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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure

Initial reports of States parties due in 2013

Indonesia*, **

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Please recycle

Abbreviation list

ACTIP:	ASEAN Convention against Trafficking in Persons Especially Women and Children
APA:	ASEAN Plan of Action against Trafficking in Persons Especially Women and Children
ARF:	ASEAN Regional Forum
ASEAN:	Association of South East Asia Nation
CSIMW:	Computerized System of Indonesian Migrant Workers
CSO:	Civil Society Organization
DFS:	Digital Financial Services
EEO:	Equal Employment Opportunity
EPO:	Exit Permit Only
FMPUP:	Foreign Manpower Utilization Plan
FMUP:	Foreign Manpower Utilization Permit
IDF:	Immigration Detention Facilities
IDH:	Immigration Detention House
IDN:	Indonesia Diaspora Network
ILO:	International Labor Organization
IOM:	International Organization for Migration
MCN:	Mandatory Consular Notification
MoNDP:	Ministry of National Development Planning
MoU:	Memorandum of Understanding
NAPPIMW:	National Authority for the Placement and Protection of Indonesia Migrant Workers
NCHR:	National Commission on Human Rights
OSISC:	One-stop Integrated Service Centre
PIMSC:	Private Indonesian Manpower Supplier Company
PLL:	Placement License Letter for PIMSC
PRP:	Permanent Resident Permit
PT. PBR:	PT. Pusaka Benjina Resources
RSP:	Remittance Service Provider
SHTC:	Safe House and Trauma Center
SOP:	Standard Operating Procedure
SSHC :	Social Safe House for Children
SSHW:	Social Safe House for Women
TIP:	Trafficking in Persons
TRP:	Temporary Resident Permit
UN:	United Nations
UNODC:	UN Office on Drugs and Crime

Introduction

1. This initial report of the Republic of Indonesia on the Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members their Families was prepared on the basis of the List of Issues prior to reporting (CMW/C/IDN/QPR/1), transmitted by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, in accordance with the new simplified reporting procedure. The report provides specific information on the implementation, including measures taken, progress achieved, and challenges faced in fulfilling the obligations under the articles of the Convention since state party's ratification in 2012.

2. The information used in this report was provided by the relevant government agencies/institutions and inter-agency committees of the Republic of Indonesia.

3. Parliament, civil society partners, National Human Rights Institutions, and scholars were consulted in the preparation.

Section I

A. General Information

1. Please provide information on the domestic legal framework regarding the Convention, including:

(a) The rank of the Convention in domestic law, and whether the Convention has direct effect or is part of the domestic law through implementing legislation;

4. The protection of Indonesian citizen has been stipulated in the 1945 Constitution. According to Indonesian Central Bureau of Statistic, the population of Indonesian people by 2015 reached 255.18 million.

5. As an effort to enhance the protection for Indonesian migrant workers, the Government of the Republic of Indonesia ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 2 May 2012 by Law No. 6 Year 2012. Although the Law on ratification has just been enacted in 2012, Indonesia has declared its commitment in the protection and promotion of the rights of migrant workers by signing the Convention since 22 September 2004.

6. Article 11 of Law No. 24 Year 2000 on International Treaties stipulates that treaties concerning human rights should be ratified through Law. Article 7 of Law No. 39 Year 1999 on Human Rights stipulates that all international treaties (international human rights laws) binding Indonesia become part of Indonesian national law. It will be implemented, as necessary, into national legislation in order to strengthen the legal basis at national level to regulate criminal sanction.

(b) Information on the relevant national legislation of the State party regarding the protection of migrant workers and members of their families under the Convention, including Law No. 39/2004 Concerning the Placement and Protection of Indonesian Overseas Workers and its implementing regulations, Law 21/2007 against the Trafficking of Migrant Workers, and Government Regulation 3/2013, regarding Protection of Indonesian Migrant Workers Abroad;

7. Prior to the ratification of the convention, the Government has enacted several laws related to migrant workers and their members of their families, among others: Law No. 13 Year 2003 of Manpower; Law. No. 20 Year 2003 on National Education System; Law No. 39 Year 2004 on the Placement and Protection of Indonesian Migrant Workers; Law No. 40 Year 2004 on National Social Security System; Law No. 12 Year 2006 on Nationality of the Republic of Indonesia; Law No. 21 Year 2007 on the Eradication of Trafficking in Person; Law No. 11 Year 2009 on Social Welfare; Law No. 36 Year 2009 on Health, Law

No. 6 Year 2011 on Immigration; Presidential Regulation No. 64 Year 2011 on the Physical and Psychological Examination for Indonesian Migrant Workers.

(c) Measures taken by the State party to harmonize its legislation with the provisions of the Convention; and

8. In implementing provisions of the Convention, the Government has established and/or reviewed sets of legislations (laws and by-laws) related to the promotion and protection of migrant workers: Government Regulations No. 3 Year 2013 on the Protection of Indonesian Migrant Workers; Government Regulations No. 4 Year 2013 on the Procedure of the Placement of Indonesian Migrant Workers by the Government; Government Regulation No. 5 Year 2013 on the Procedure of Evaluation and Establishment of Working Partner and Individual Users; Government Regulation No. 45 Year 2013 on the Coordination on the Repatriation of Indonesian Migrant Workers; Minister of Manpower and Transmigration Regulation No. 22 Year 2014 on the Procedure of the Placement and Protection of Indonesian Migrant Workers; Head of the National Authority for the Placement and Protection of Indonesian Migrant Workers No. PER.02/KA/I/2013 on the Guidelines on the Supervision of the Placement and Protection of Prospective Indonesian Migrant Workers; Minister of Social Affairs Regulation No. 102/HUK/2007 on Safe House and Trauma Centre (SHTC); Minister of Social Affairs Regulation No. 6 Year 2001 on the Protection of Indonesian Migrant Workers; Minister of Social Affairs Regulation No. 22 Year 2013 on the Repatriation of Indonesian Migrant Workers to their Original Area.

9. Furthermore, related legislations on foreign workers in Indonesia, include: Law No. 13 Year 2003 on Manpower, Presidential Regulation No. 72 Year 2014 on the Utilization of Foreign Workers and the Procedure of Education and Training of Companion Workers; Minister of Manpower and Transmigration Regulation No. 02/MEN/XII/2004 on Social Security Program for Foreign Workers; Minister of Manpower Regulation No. 35 Year 2015 on the amendment of the Minister of Manpower Regulation No. 16 Year 2015 on the Procedure of the Employment of Foreign Workers; Minister of Law and Human Rights Regulation No. 27 Year 2014 on Technical Procedure on the Grant, Extension, Refusal, Cancellation, and the Termination of Visit, Temporary, Permanent, and the Exemption of Residency Permit.

10. The Government is currently formulating the draft amendment of Law No. 39 Year 2004 on the Placement and the Protection of Indonesian Migrant Workers, in order to harmonize it with the provisions in the Convention. The draft is currently included in the Government's 2017 National Legislation Priority.

(d) The existence and scope of bilateral and multilateral agreements with other countries concerning the rights of migrant workers and members of their families under the Convention, in particular with Saudi Arabia, Malaysia, Kuwait, Bahrain and Singapore. Please specify how these agreements protect migrant workers' rights and guarantees in transit and destination countries, in particular, with respect to detention, repatriation/expulsion and family reunification procedures. Please provide information on measures taken to strengthen the protection of Indonesian migrant workers abroad, including by reviewing and amending these bilateral and multilateral agreements as well as through legislative measures such as the Ministerial Decree No. 260/2015 concerning the Banning of the Placement of Indonesia Overseas Workers to Individual Employers in Middle East Countries.

11. Considering most of Indonesian migrant workers' destination countries have not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers, efforts to enhance the protection of Indonesian migrant workers have been done through bilateral agreements.

12. Until 2015, Indonesia has 13 (thirteen) bilateral agreements related to the protection and placement of migrant workers in formal and informal sector. Among them are:

(a) MoU between the Government of the Republic Indonesia and the Government of the Kingdom of Saudi Arabia on the Placement and Protection of Indonesia Domestic Workers, signed on 19 February 2014. Although Indonesian Government are still

waiting for Saudi Arabia to ratify this MoU, the Government continues to provide protection for Indonesian Migrant Workers already in Saudi Arabia;

(b) MoU between the Government of the Republic of Indonesia and the Government of Malaysia on the Recruitment and Placement of Indonesian Domestic Workers, signed on 13 May 2006, further amended by an Amendment Protocol, signed on 30 May 2011. This MoU expires in 2016 — both parties already agreed on the List of Issues and currently negotiating the renewal MoU;

(c) MoU between the Government of the Republic of Indonesia and the Government of the State of Kuwait on the Placement of Manpower, signed on 30 May 1996.

13. Through these bilateral agreements, Indonesia includes various clauses in order to protect the basic rights of its migrant workers such as wages, working hours, and worker identity, in accordance with article 8 of International Labor Organization (ILO) Convention and United Nations (UN) Convention 1990 which has been ratified by Indonesia.

14. Indonesia considers the bilateral agreement between Indonesia and Malaysia as the baseline to protect the basic rights of migrant workers. The agreement is subject to renewal every 5 (five) years and in each renewal, the Government of Indonesia reviews the MoU in order to provide better protection for the migrant workers. For example, in the latest review of Indonesia-Malaysia MoU on 2011, minimum wage of migrant workers has been raised and Indonesian migrant workers now can keep their own passports.

15. Meanwhile, legislations in various Middle Eastern Countries such as Saudi Arabia, Kuwait, and Bahrain regulate that migrant workers falls into realm of private law instead of public law. Therefore, the Government of Indonesia continues to improve the content of the MoU with those countries to provide better protection for migrant workers. This issue has been raised during Bilateral Consultation Forum with Saudi Arabia in 2012 and with Kuwait in upcoming 2017. Furthermore, following the visit of King Salman to Indonesia in 2017, a Joint Declaration on Upgrading the Headship Level in the Work. of the Joint Committee was signed 1 March 2017. This will increase the level of bilateral mechanism between Indonesia and Saudi, which among others the deliberation on labor issue.

16. Indonesia is currently banning the placement of Indonesian migrant workers to individual employers in Middle Eastern countries, through the Minister of Manpower's Regulation No. 260 Year 2015. The regulation aims to provide time for the Governments of both Indonesia and destination countries in Middle East to review and establish a more comprehensive bilateral framework, to better promote and protect Indonesian migrant workers' rights, in line with the provisions of the Convention.

17. Regarding bilateral agreement with Singapore, as of recently there is no bilateral agreement on this matter between the two countries. Indonesia continues to propose the consideration of a bilateral agreement on the protection of approximately 104,930 [1] Indonesian workers there. Indonesian embassy continuously carries out advocacy measures to improve our migrant workers' standard of living, through for example setting the minimum wages and improving contract standard. Furthermore, the Government is planning to launch Indonesia-Singapore Workers Card to record Indonesian migrant workers' data in Singapore.

18. Indonesia has also conducted a review to MoUs related to the placement and protection of Indonesian migrant workers, such as with South Korea. The Government is also reviewing migrant workers' MoU between Indonesia Economic Trade Office and Taiwan Economic and Trade Office to further strengthen the protection aspect, both by origin and destination countries.

19. Indonesia has signed Mandatory Consular Notification agreement with Australia (2010), Brunei Darussalam (2011), and the Philippines (2014) to ensure prompt notification in case of arrest, detention, death, or legal problem facing citizens of respective countries. Mandatory Consular Notification is also addressed within bilateral agreement such as the

[1] Placement data from National Authority for the Placement and Protection of Indonesian Migrant Workers from 2013-2016

MoU on cooperation in Combating Trafficking in Person and Protection of Victims of Trafficking with UAE dated 13 September 2015.

20. The Government of Indonesia acknowledges that the issue of migrant workers is transnational in nature and hence, requires equivalent commitment and efforts between origin, transit, and destination states. Therefore, regional mechanism such as ASEAN can play an important role in this regard. In 2007, ASEAN has adopted Cebu Declaration on the Protection and Promotion of the Rights of Migrant Workers as a commitment from ASEAN in protecting and promoting the rights of migrant workers. Furthermore, ASEAN Political Security Community Blueprint is also mandated to expedite the work of the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers, in developing an instrument to ensure the rights of migrant workers are well protected within the region. Within this context, the Government of Indonesia underlines the importance of a legally binding instrument that protects both documented and undocumented migrant workers and their families.

21. Beside ASEAN, Indonesia is a member and actively participated in the Colombo Process, a Regional Consultative Process on the management of overseas employment and contractual labour among countries of origins in Asia. The process was established in response to calls from several Asian labor sending countries who increasingly recognized the need for optimizing the benefits of organized labor migration whilst protecting their migrants from exploitative practices in recruitment and employment.

22. Within the Colombo Process, Indonesia is also an active participant in the Thematic Area Working Groups (TAWG) on the pre-departure orientation and empowerment. The creation of this TAWG aims at raising awareness through effective information dissemination for migrant workers and their families, in order to empower them and make informed decision to maximize the benefits of migration. Through this mechanism, countries shared their best practices on pre-departure orientation for migrant workers and their families.

23. As member of Colombo Process, Indonesia actively participates in bi-annual Abu Dhabi Dialogue, a forum between countries of origin and destination aimed to discuss challenges and share best practices on temporary contractual labor. In the 4th Ministerial Consultation Abu Dhabi Dialogue in January 2017, the Government of Indonesia underlined the importance of cooperation between sending and receiving countries to implement safe and fair migration for migrant workers. Indonesia also emphasized that the placement of migrant workers should be based on the job title, specification and requirement, in order to avoid multi-tasking practices that potentially harming the rights of migrant workers.

24. In multilateral fora, the Government of Indonesia also echoes its support for the universal ratification of the Convention in various fora, including through Universal Periodic Review mechanism of the UN Human Rights Council.

25. As active member of the Organization of Islamic Cooperation (OIC), Indonesia hosted the 3rd Islamic Conference of Labour Ministers (ICLM) on 29-30 October 2015. The Conference discussed various labour issues, notably the protection of migrant workers, and adopted the Jakarta Declaration. One important message in the Jakarta Declaration is urging the member states to further enhance the protection of workers within OIC member states, including their social protection and promote international principles and practices for the protection of workers.

2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party. Please provide information on specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on resources allocated for its implementation and the results obtained.

26. Reaffirming the state obligation in protecting and providing safe environment for all citizens is among President Joko Widodo's Nawa Cita, or Nine Government Priorities of 2015-2019. In relation to migrant workers, this priority focuses on two main targets: (i)

enhancing the quality of protection of Indonesian citizens and legal entities abroad and (ii) protecting the rights and safety of migrant workers.

27. In enhancing the quality of protection for Indonesian citizens and legal entities abroad, the Government has laid out several policy directions and strategies:

(a) Protection of Indonesian citizens as the focus of Indonesia's diplomacy;

(b) Citizen protection and services are carried out at the citizens' best interest;

(c) Enhancing the number and content quality of bilateral agreements related to citizen protection;

(d) Clear division of labour and strong coordination between institutions carrying out citizen protection.

28. The second target is ensuring protection of the rights and safety of migrant workers, which in the long run, aims at reducing the number of legal difficulties faced by migrant workers abroad. This target will be achieved through:

(a) Enhancing national, bilateral, regional, and international cooperation in protecting migrant workers;

(b) Improving placement system of migrant workers;

(c) Providing migrant workers with knowledge and skill, not only to work in destination countries, but also about their rights and obligation as a migrant worker;

(d) Increasing access to financial services for migrant workers;

(e) Repatriating Indonesian Migrant Workers during emergency situations, such as during conflict in Syria and Yemen.

29. Sufficient budget has been allocated to enable the Government of Indonesia to achieve those targets.

30. Ministry of Foreign Affairs Regulations No. 8 Year 2008 on Citizen Service in Indonesian Missions abroad established a legal basis for various Indonesian Diplomatic Missions with Citizen Service which provides an integrated service for Indonesian Citizen, including citizen registration, consular assistance and protection for Indonesian Citizen (including services for Indonesian Migrant Workers and Indonesian Seafarers), shelter and counseling, updating Indonesian citizen database, and administration. Missions with citizen services may equip themselves with in-house/retainer lawyer to provide better assistance for Indonesian citizens abroad. Until 2016, there are 24 (twenty four) missions in 14 (fourteen) countries worldwide that have citizen services. The Government is currently discussing efforts to improve the infrastructure and service of such missions.

31. Since 2014, the Government has enacted annual thematic monitoring and evaluation program to improve the capacity of Indonesian Missions abroad, in protecting Indonesian citizen, including migrant workers. Every mission will be given questionnaire, in order to assess the condition of their citizen services on certain issues such as TIP, seafarers, death penalty, etc. A taskforce then will be provided to missions that need capacity building programs, in order to improve their performance on respective sectors.

3. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including information on the available staffing and resources as well as monitoring activities and follow-up procedures. Please provide information on the mandate of this agency or institution as well as resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

32. Both national and local governments play a crucial role in the protection of Indonesian migrant workers. At the national level, this task is divided among:

(a) Ministry of Manpower formulates placement and protection policy at the national level. Furthermore, the Ministry also assigns officials in 12 (twelve) Indonesian missions and representative office where many Indonesian migrant workers are located;

(b) National Authority for the Placement and Protection of Indonesian Migrant Workers (NAPPIMW) is responsible for implementing all the placement and protection mandate for Indonesian migrant workers, including supervising the placement process from the beginning and coordinating with relevant institutions;

(c) Ministry of Foreign Affairs, through its diplomatic missions, has the responsibility to protect Indonesian migrant workers abroad, to verify the foreign entities in which they are working, and to coordinate migration policy in their accreditation area with relevant institutions at home;

(d) Ministry of National Development Planning (MoNDP) plays a role in coordinating relevant institutions, in order to formulate a national plan related to the protection of Indonesian migrant workers. Furthermore, MoNDP also provides monitoring and evaluation function;

(e) Ministry of Law and Human Rights has the responsibility to provide protection and immigration control, both for Indonesian migrant workers and foreign workers in Indonesia. This includes granting, extending, denying, cancelling, and ending resident permit and managing detention facilities;

(f) Ministry of Social Affairs has the responsibility to provide rehabilitation for Indonesian migrant workers who are victims of abuse or human trafficking;

(g) Ministry of Health has the responsibility to conduct medical check-up for prospective Indonesian migrant workers before they go abroad. The Ministry has also the responsibility to standardize and certify the qualifications of Indonesian nurses and caregivers abroad;

(h) Ministry of Transportation has the responsibility to standardize and certify the qualifications of Indonesian seafarers abroad. Indonesian seafarers working abroad should obtain a Seafarer Book, issued and certified by the Ministry, and need to be regularly renewed in Indonesian missions abroad. To assist the protection of Indonesian migrant workers, in particular Indonesian seafarer, the Ministry has also assigned eight officials in the Indonesian Missions abroad. Bearing in mind the nature of seamen's work, these officials compile a database of the Indonesian seafarers and renew their Seafarer Book;

(i) Ministry of Education and Culture has responsibility to provide education for children of Indonesian migrant workers who have no access to local education in countries of destination. This also includes providing facilities, teachers, and operational budget. Furthermore, the Ministry has the responsibility to set up various national standard of education;

(j) Ministry of Woman Empowerment and Child Protection has the responsibility to coordinate issues related to the protection of women migrant workers, their family and children.

33. Meanwhile, local governments (at the provincial and district levels) play a role in:

(a) Enacting and implementing bylaws related to the recruitment, placement and protection of Indonesian migrant workers;

(b) Facilitating prospective migrant workers in obtaining documents and assisting their return, especially those who is currently facing problem and/or deported from country of destination;

(c) Ensuring prospective migrant workers attain necessary pre-departure training, both in skills and knowledge on destination countries' legal system;

(d) Cooperating with non-governmental institutions, including Civil Society Organization, to enhance protection for migrant workers in order to prevent non-procedural placement.

34. In 2015, The National Authority for the Placement and Protection of Indonesian Migrant Workers introduced One-Stop Integrated Service Centre (OSISC), in several provinces where most of migrant workers originated from, to simplify the procedure of placement of Indonesian migrant workers. Through this service, prospective migrant workers have one portal to complete his/her data from registration, passport input, medical check-up, insurance, until assistance data should they face problem in destination countries.

4. Please provide information, including both qualitative information and statistical data disaggregated by sex, age, nationality and migration status on labour migration flows in and out of the State party, including returns, and other labour migration related issues, and children left behind by migrant parents. Please also provide qualitative and statistical data or if precise data are not available, then studies or estimates on migrant workers in an irregular situation in the State party and Indonesian migrant workers abroad, in particular those working in less regulated sectors such as domestic work. Please additionally provide information on measures taken by the State party to establish a coherent and cross-comparable system of data collection on these issues, including measures aimed at making this information public.

35. A study on Indonesian migrant workers working in irregular situation has yet to be conducted. Data from Directorate of the Protection of Indonesian Citizens and Legal Entities Abroad, Ministry of Foreign Affairs — collected from Indonesian Misions worldwide — estimated that that there are approximately 6.5 million Indonesian irregular migrants abroad.

36. Currently, data concerning Indonesian migrant workers are collected in several relevant institutions such as Ministry of Foreign Affairs, Ministry of Law and Human Rights, Ministry of Manpower, Ministry of Women Empowerment and Child Protection, Ministry of Social Affairs, NAPPIMW. In the upcoming years, the Government plans to merge all the data into one integrated database.

37. Since 2012, the Government of Indonesia through the Ministry of Foreign Affairs has been developing a comprehensive database on the protection of Indonesian citizen abroad (e-protection), including migrant workers. The database contains information related to cases faced by Indonesian citizens worldwide and is directly connected with Indonesian mission abroad. In the upcoming year, the database will be integrated with other ministries to provide a comprehensive data on the protection of Indonesian migrant workers.

38. In 2015, NAPPIMW has signed a MoU with Directorate General of Immigration regarding the Integration of Immigration Management System with the Computerized System of Indonesian Migrant Workers (CSIMW) and the One-Stop Integrated Service data in the placement and protection of Indonesia migrant workers. Furthermore, from 2017, the Government through the Ministry of Manpower will develop an integrated Indonesian migrant workers abroad data, compiled from the data owned by 13 Indonesia's manpower attaches worlwide.

5. Please provide detailed information on the mandate of the National Human Rights Commission of Indonesia. In particular, please indicate whether the National Human Rights Commission has been established in compliance with the Paris Principles (General Assembly resolution 48/134), and has the explicit mandate of independently monitoring the human rights situation within the State party, including the rights of all migrant workers and members of their families under the Convention. Please also provide information on complaint mechanisms and other services, including helplines, offered by the Commission, and whether the Commission conducts visits at detention centers for migrants as well as shelters for Indonesian migrants following repatriation from countries of employment or transit. Please additionally provide information on the human, technical and financial resources made available to the institution as well as awareness-raising activities by the State party among the general public, and migrant workers, in both urban and rural areas, in particular, on the services offered by the institution, including the right to file a complaint directly with the institution.

39. National Commission on Human Rights (NCHR) of Indonesia was established through Presidential Decree No. 50 Year 1999. Its mandate was further explained in Law

No. 39 Year 1999, that is, to perform research and study, education and raising public awareness, monitoring and investigation, as well as mediation of human rights. It is accredited A (compliance with the Paris Principles) by the International Coordinating Committee of National Institution for the Promotion and Protection of Human Rights (ICC).

40. In carrying out its mandate, the NCHR refers to both national and as international human rights instruments which have been ratified by Indonesia.

41. Indonesian migrant workers as well as foreign workers in Indonesia are able to file their complaint directly to NCHR or through post, fax, and e-mail. Furthermore, it also takes a proactive approach, where they work together with Civil Society Organization and academics in remote regions/regions with no NCHR local office (such as Jambi, Bangka Belitung) to expand people's access to the complaint mechanism.

42. After filing the complaint, every complainant then has the right for regular consultations either through phone or directly with NCHR office, to update on the process, and ensure the protection of their identity. All this services are provided by NCHR without any fee.

43. Throughout 2015, there were 63 cases on migrant workers out of total 8249 cases recorded in the NCHR database. The number of cases declined to 31 during January-October 2016.

44. Under their monitoring and investigation mandate, National Commission on Human Rights, together with National Commission on Elimination of Violence against Women, Commission on Child Protection, Victim and Witness Protection Commission, as well as the Ombudsman Office has also created a team to monitor the condition in detention centres nationwide, including immigration detention centres. This team works together with Ministry of Law and Human Rights — which supervise the operation of all detention centres in Indonesia — in providing inputs and advice to ensure that such facilities are being provided with regards to human rights principles.

6. **Please provide information on the steps taken by the State party to promote and publicize the Convention, and to increase awareness and understanding of its provisions among the general public, migrant workers and members of their families, employers, teachers, health workers, government officials, including embassy and consulate personnel, law enforcement officials, border police and the judiciary, civil society and the media. Please indicate whether the media themselves engage in the promotion of the Convention and if so, then how and what is the impact of this on the situation of migrant workers coming to and departing from Indonesia.**

45. The Government has convened various measures before the ratification and after the ratification, in order to disseminate the Convention to all stakeholders, including related ministries/institutions and academics.

46. In collaboration with Civil Society Organization (such as Migrant Care) and local government as well as Universities, the Government also organized regular, provincial-level meetings called Jaring Masukan Daerah (means "taking inputs from local stakeholders"), aiming at disseminating the Convention to local stakeholders, in particular provinces where most migrant workers originated and transit. Furthermore, the meetings are also aimed in gathering data, information, and aspiration which helps in identifying challenges and way forward, as well as contributed in the preparation of this initial report. Since 2014, the Government has convened the events in Central Sulawesi, North Sumatra, East Java, Central Java, South Sulawesi, and Riau Islands. The Government plans to continue these efforts, involving all related stakeholders.

47. Cases on violence against Indonesian migrant workers abroad have always attracted the attention and been closely monitored by national media. The national priority of Nawa Cita on protection of Indonesian citizens and Indonesia's ratification on the Convention always become the argument by the media to push the Government to come up with resolute response to the cases. Additionally, the Government actively engages the media to provide update and disseminate information for the public regarding the protection of Indonesian migrant workers.

7. **With respect to migrant workers who are nationals of the State party working abroad, please describe measures taken by the State party to promote training programmes on the human rights of migrant workers and members of their families, including on gender sensitivity and the rights of the child, for government officials providing legal and consular assistance to nationals of the State party abroad dealing with migration and related issues, including workplace abuse and exploitation, discrimination faced by migrant workers, as well as regarding migrant workers or members of their families who have been arrested, held in prison or migration-related detention centers, placed in custody pending trial or detained in any other manner, subject to expulsion/repatriation.**

48. Together with International Organization for Migration (IOM), ILO, and UN Office for Drugs and Crime (UNODC), the Government has conducted annual training programs for consular officers of the Indonesian Missions abroad, in identifying and handling human trafficking, and providing protection access and justice for victims, including module in human rights. The trainings are also expected to strengthen the role and functions of Indonesian missions abroad, considering that members of the missions often become the first responders in handling cases of citizen indicated as trafficked persons. There are 45 missions equipped with understanding and capabilities to identify victims of human trafficking since 2014.

49. Not only for Indonesian Missons abroad, the Government also regularly conducted capacity building programs on safe migration and case handling for local government officials' where most Indonesian migrant workers originated from (pocket areas). In 2017, the Government has conducted trainings for three areas: East Nusa Tenggara, West Nusa Tenggara, and West Java.

50. In addition, staffs of the Ministry of Foreign Affairs also participated in trainings, organized by the ILO, IOM (San Remo Migration Law Course, Institute for Humanitarian Law), United Nations High Commissioner for Refugees (UNHCR), IOM-Institute for Humanitarian Law, as well as the Department of Foreign Affairs and Trade of Australia. These trainings are not only than beneficial to share knowledge, expertise, and skill in continuation of treatment in the country over the cases of Indonesian citizens abroad, but also useful in the preparation of concepts, policies, standardization, and norms in the field of protection abroad, in accordance with the duties and functions of the Ministry of Foreign Affairs. As a continuation of efforts to increase the capacity, now all the Indonesian missions use screening form as part of the identification tools and the initial assessment of protection needs for victims.

51. Furthermore, the Government of Indonesia also organized annual regional consular coordination meetings among Indonesian missions abroad to discuss standardization of consular and immigration services, as well as to exchange best practice on Indonesian citizen cases.

52. The NAPPIMW has conducted the Migrant Workers Family Community Program which provides assistance officers to migrant workers and their family. These officers are trained in paralegal and migrant workers' rights issues and will be assigned to provide prospective migrant workers, migrant workers, as well as post-placement migrant workers with legal consultation and assistance to resolve their problems, either through litigation or non-litigation. In 2017, the Government targetted ten provinces for this program.

8. **Please provide information on the cooperation and interaction between the State party and civil society organizations, and other social partners working on migrant workers' rights in relation to the implementation of the Convention. Please indicate whether and how the representatives of civil society organizations, as well as other stakeholders are involved in the preparation of the replies to this list of questions.**

53. National Human Rights Institutions, Civil Society Organizations (CSOs), and academics have become important and strategic partners for the Government to disseminate information and monitor the implementation of the Convention. In preparing this report, the Government has conducted a national consultation in December 2016, engaging NHRIs and CSOs, such as National Commission on the Elimination of Violence against Women and

Migrant Care. The provincial-level regular meetings mentioned in para. 46 were organized in cooperation with Migrant Care and other related CSOs, such as National Advocacy Network for Domestic Workers (Jaringan Nasional Advokasi Pekerja Rumah Tangga), Indonesian Migrant Workers Consortium (Konsorsium Buruh Migran Indonesia), Indonesian Migrant Workers Union (Serikat Buruh Migran Indonesia), and Legal Aid Institutions.

54. The Government also cooperate with Migrant Care, Indonesian Migrant Workers Union, and IOM to provide training for female prospective migrant workers on their rights and obligations, locat laws/customs in the country of destination, as well as working contract.

55. In addition, CSOs and academics provide valuable inputs for Government to improve the protection and promotion of the rights of migrant workers, for example: the creation of national database starting from village level, efforts to reduce migration cost, and reviewing local legislations using human rights perspective.

56. Furthermore, the Government of Indonesia facilitates the establishment of Indonesia Diaspora Network (IDN) in which Indonesian migrant workers are also part of the diaspora. IDN has initiated task force groups to implement some of its flagship cause and advocacies, both in Indonesia and overseas including immigrant and citizenship and migrant workers.

9. Please provide information on the existence of private employment agencies in the State party recruiting migrant workers to work abroad, and on the laws and regulations pertaining to such recruitment, in particular:

(a) Measures taken to provide information and training to migrant workers about their rights and obligations, and to protect them against abusive employment situations;

57. Minister of Manpower's Regulation No. 22 Year 2014 on the Procedure of Placement and Protection of Indonesian Migrant Workers provides a legal basis for Private Employment Agencies (PIMSC) and its conduct, i.e. licensing, recruitment and selection, health check, employment contract, pre-departure training, fees, and monitoring of placement process.

58. In accordance to Ministerial Regulation No. 22 Year 2014, PIMSC is obliged to register all their prospective migrant workers in pre-departure trainings organized by Regional Offices of Placement Service and Protection of Indonesian Migrant Workers.

(b) The role and responsibilities of recruitment agencies and their possible joint responsibility with the employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including wages, disability compensation, repatriation and death, including repatriation of the bodies of deceased migrant workers;

59. Ministerial Regulation No. 22 Year 2014 also mentioned that PIMSC, in coordination with relevant partners, has the responsibility to monitor the condition of migrant workers during their tenure. This includes name and address of employer and whether it matches employment contract, fulfillment of migrant workers' right, and problem faced by the migrant workers.

60. Furthermore, PIMSC is also responsible to assist the return of the migrant workers until their arrival to area of origin. Standardized format of contract between prospective domestic migrant workers and PIMSC attached to Ministerial Regulation No. 22 Year 2014 contains a clause that PIMSC has the obligation to assist migrant workers should they face any problem before, during, or after placement.

(c) Whether recruitment/placement agencies provide insurance to migrant workers to cover loss of life, disability and financial assistance proximately caused by accidental bodily injury;

61. Indonesian regulation obliges PIMSC to register prospective migrant workers in pre-placement, during placement, and post-placement insurance. Premium payment for this

insurance could be imposed to the migrant worker. Furthermore, it is mandatory for every employment contract to attach a copy of migrant workers' insurance membership. Terms and conditions for the insurance follows the regulation of destination countries.

62. In case of death during placement, PIMSC is responsible to handle (both administratively and financially) the repatriation and funeral of the migrant worker's body as well as to settle unfulfilled rights of the migrant worker, including securing the family rights to the personal attributes and wealth of deceased.

(d) Information relating to the issuing and renewal of the licenses of such employment agencies;

63. Article 12 of Law No. 39 Year 2004 stipulates that a PIMSC shall obtain a Placement License Letter (PLL) from the Minister of Manpower. The PIMSC shall fulfil the minimum amount of capital requirement, has a placement and protection of Indonesia Migrant Workers at least for 3 (three) years ahead, a training center unit, and infrastructure for placement services. The license is renewable every 5 (five) years with requirements stipulated in article (14) of the mentioned law. The license could also be revoked if the PIMSC was not able to carry out its responsibilities as regulated.

64. Currently, there are 495 PIMSC registered at the Ministry of Manpower. In 2014, the Ministry of Manpower revoked twenty-nine Placement License Letters, nineteen in 2015, and two until October 2016.

(e) Information on complaints lodged against employment agencies, as well as information on labour inspections conducted, and penalties and sanctions imposed in cases of non-compliance with the law; and

65. NAPPIMW has established a crisis centre for complaints by migrant workers that is accessible 24 hours a day, seven days a week through various channels either from Indonesia (toll-free) or outside Indonesia. Until August 2016, 21,995 complaints were recorded with complaints include documents being seized by PIMSC (268 cases), overcharging (405 cases), and illegal recruitment (772 cases). In addition to crisis centre, the Government also actively observes and supervises the conduct of PIMSC in carrying out their functions. Minister of Manpower and Transmigration's Regulation No. 17 Year 2012 stipulates that PIMSC which fails to comply with relevant regulations (particularly Law No. 39 Year 2004) are subject to administrative sanctions: (1) written notice; (2) temporary ban on PIMSC placement activities; (3) revocation of license, depending on their degree of violation. Furthermore, NAPPIMW will also withhold any services for PIMSC that is subjected to such sanction until the problem is resolved.

(f) Measures taken by the State party to strengthen mechanisms to regulate and control private employment agencies and to avoid situations where the agencies act as intermediaries for abusive foreign recruiters.

66. In 2015, NAPPIMW in cooperation with Demographic Institution from the University of Indonesia and Association of the Placement of Indonesia Migrant Workers conducted the first rating to PIMSC in Indonesia. There are thirty-eight indicators to the rating system which represent four aspects: legality, input (facilities and infrastructures), process, and output (legal problems facing migrant workers). Later the process will be conducted every six months.

67. PIMSC which did not or not able to participate in the rating process will be further investigated to prevent illegal conducts. Furthermore, PIMSC that rated below average will be given assistance to improve their services.

68. With regards to settlement of cases, Directorate of Mediation and Advocacy of NAPPIMW takes an active role in supervising PIMSC during settlement of cases. In some cases, such as abusive employers, the Government of Indonesia intensively works with PIMSC to assist the migrant workers settle their case.

69. The Government is also actively monitoring the whole process of placement and protection of Indonesian migrant workers in many provinces, by appointing responsible

officers in the field of manpower, specially authorized by government to be investigators in governmental agencies. The officers along with police force are authorized to proceed investigations on any reported abuse of placement and protection of Indonesian migrant workers.

B. Information relating to the articles of the Convention

1. General Principles

10. Please indicate whether the Convention's provisions have been directly applied by officials in the administration and/or invoked directly before the courts. If so, please provide examples. Please also provide information on:

(a) Judicial and/or administrative entities competent to examine and decide on complaints by migrant workers and members of their families, including those in an irregular situation, in particular migrant domestic workers;

(b) The number and types of complaints examined by such entities in the past five years, and their outcomes, disaggregated by sex;

(c) Whether legal assistance was provided;

(d) Any redress, including compensation, provided to victims of such violations; and

(e) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violation of their rights.

70. There is no recorded precedence of the court directly invoking Convention's provisions. Referring to Para. 6, ratification of international instrument concerning human rights shall be through Law and does not directly applicable to cases in court. It should be harmonized through national legislation, in order to strengthen the legal basis at national level to regulate criminal sanction.

2. Part II of the Convention

Article 7

11. Please clarify whether national legislation, in particular the Constitution of Indonesia, ensures that all migrant workers and members of their families have the rights provided for in the Convention without distinction of any kind and whether it covers all the prohibited grounds of discrimination enumerated in the Convention (art. 1, para. 1, and art. 7), including sex, language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status. Please also provide information on all the measures taken by the State party to ensure non-discrimination, both in law and in practice.

71. Indonesian government has created a legal framework to guarantee non-discrimination principles in fulfilling economic, social, and cultural rights of its citizens to achieve social justice for all. The 1945 Constitution has laid out the foundation to for the protection of human rights. Furthermore, Law 39 Year 1999 on Human Rights has given a definition to "discrimination" and stated that "every person has the rights to the protection of human rights and fundamental freedom, without discrimination."

72. The principle of non-discrimination, including in work field, also stipulated in several laws, such as:

(a) The 1945 Constitution article 27, 28D, 28E, and 28I;

(b) Laws on ratification of international human rights instruments: ICCPR, ICESCR, CEDAW, CWW, CRC, CRPD, CAT, and CERD, that will be harmonized with national law;

(c) Law No. 13 Year 2003 on Manpower, article 5, 6, 32, 80, and 153;

(d) Law No. 39 Year 2004 on Placement and Protection of Indonesian Migrant Workers article 7 and 8;

(e) Law No. 40 Year 2008 on the Elimination of Racial and Ethnic Discrimination; article 5 and 9;

(f) Law No. 8 Year 2016 on Persons with Disabilities.

73. Indonesian government is also committed to guarantee Equal Employment Opportunity (EEO) as an effort to eliminate discrimination in workplace. This commitment is shown in Law No. 80 Year 1957 on the ratification of ILO Convention No. 100 and Law No. 21 Year 1999 on the ratification of ILO Convention No. 111. The Government further manifested EEO provisions through Law No. 13 Year 2003 on Manpower.

74. In addition, the Ministry of Manpower in 2004 has established a National Task Force EEO which engages the government, business, and workers. The task force has the responsibility to formulate, promote, and implement EEO programs as well as its monitoring and evaluation.

75. The Ministry of Manpower through its Circular Note also issued and distributed a guidance on EEO to local governments.

76. On 2014, the Minister for Manpower, Minister for the Empowerment of Women and Protection of Child, Minister for Internal Affairs, and Minister of National Planning Agency have signed an MoU to optimize EEO in the workplace and strengthen the potential of regional EEO taskforce.

12. **Please inform the Committee about any cases identified in the State party of racism and xenophobia, discrimination, ill-treatment and violence directed at migrant workers and members of their families, and provide information about normative, institutional and procedural measures adopted by the State party to prevent and combat all forms of racism, xenophobia, discrimination, ill-treatment and violence to protect the rights of the victims, including their right to access to justice. Please include quantitative and qualitative information on the types of discrimination and xenophobic cases identified in the State party. Please additionally provide information about such cases identified against Indonesian migrant workers abroad and the measures taken by the State party, if any, in response.**

77. Provisions in the Law No. 13 Year 2003 on Manpower, as well as Minister of Manpower Regulation No. 35 Year 2015 on the Amendment of the Minister of Manpower Regulations No. 16 Year 2015 on the Utilization of Foreign Workers apply to all foreign workers in Indonesia without any discrimination whatsoever.

78. Recently, there are some controversies regarding mass influx of Chinese workers in various infrastructure development projects in some parts of Indonesia. The information of millions of Chinese workers currently working in Indonesia is simply misleading, due to the data from the Ministry of Manpower recorded that there are only 86.000 (approximately) Chinese workers in Indonesia from 2012-2016.

79. It is noted that in several destination countries, Indonesian migrant workers have been treated less favorably than their nationals, for example through the term that implies negative connotation, such as "maids" and treated as "second class" in society.

80. As a countermeasure, the Government of Indonesia continues to highlight the positive contribution of migrant workers in destination countries and encourages destination countries to do the same. In the long run, the Government aims to send less unskilled workers abroad and replace them with skilled workers. Furthermore, the Government also constantly echoes its support to the universal ratification of the Convention to ensure standardized protection — including non-discrimination practice — globally.

3. Part III of the Convention

Article 8 to 15

13. Please provide information on any cases identified in the State party of exploitation of migrant workers and member of their families, both in regular and irregular situations, in particular those working in agriculture, domestic work, and construction as well as hazardous work. Please also provide information on any cases identified in the State party of domestic servitude, debt bondage, forced labour, and sexual exploitation involving migrant workers, especially in the context of sex tourism, in particular women and children, and on measures to prevent and combat these phenomena. Please additionally provide information on the measures taken to bring the national legislation into compliance with ILO Convention No.29 concerning Forced and Compulsory Labour (1930) and ILO Convention No.105 concerning the Abolition of Forced Labour (1957).

81. In 2015, the Government of Indonesia found 682 seafarers from Myanmar, Cambodia, and Lao PDR who were suspected as victims of forced labor by PT. Pusaka Benjina Resources (PBR) in Maluku. Most of the vessels owned by PT. PBR originated from Thailand and one of the owner is affiliated with a Hong Kong company owned by two Thailand citizens.

82. In cooperation with IOM and foreign embassies in Indonesia, the Government conducted in depth interviews to the seafarers and later it was found that they were victims of Trafficking in Person. Other than that, evidences of forced labor and child labor (in addition to illegal fishing and forgery) were also found.

83. The Government took several measures in resolving the case, including: (1) rescuing and releasing all victims, including providing them with interpreter; (2) remediate, in which the Government revoked all license for PT. PBR, confiscated all its vessels, prosecuted eight main perpetrators, and provide financial restitution for the victims and; (3) repatriate all the victims in cooperation with foreign embassies and IOM.

84. To prevent similar incident from reoccuring in the future, the Government of Indonesia strengthens its law enforcement measures and initiatives, including the formulation of a regulation on the human rights certification for Fisheries Industry by the Ministry of Marine Affairs and Fisheries.

85. With regards to ILO Convention No. 29 and No. 105, Law No. 13 Year 2003 on Manpower asserts the right of just and favorable condition of work as well as the prohibition of forced labor. Furthermore, Law No. 39 Year 2004 on the Placement and Protection of Indonesian Migrant Workers also aims to ensure that the sending of migrant workers is conducted in accordance with national law. Both legislations are expected to prevent forced labor.

14. Please provide detailed information on the measures taken to investigate allegations of harassment, corruption and abuse of authority by law enforcement officials, including allegations of extortion and arbitrary detention, with regard to migrant workers and members of their families. Please indicate the number of law enforcement officials that have been investigated, prosecuted and convicted in this regard as well as specify the nature of the charges and sentences imposed.

86. The Government of Indonesia is commited to eradicate all forms of corruption. In this regard, the Government has established the Corruption Eradication Commission through Law No. 30 Year 2002 and Indonesian Financial Transaction Report and Analysis Center through Law No. 8 Year 2010. In addition, ministries and institutions such as Ministry of Foreign Affairs have implemented zero-tolerance policy, in efforts to protect Indonesian migrant workers. The head of Corruption Eradication Comission in April 2017 has sent a circular note for all ministries and institutions, regarding the Guideline and Limitations of Gratification to control such practices and increase reporting obligations for government's institutions.

87. Furthermore, as part of its commitment to eradicate all forms of corruption, the Government is also established a Taskforce on the Eradication of Unauthorized Levying by Presidential Regulation No. 87 Year 2016 coordinated by the Coordinating Ministry of Political, Legal, and Security Affairs and chaired by the National Police.

88. The taskforce has the mandate to take intelligence, prevention, enforcement, and judicial measures related to unauthorized levy. Act of unauthorized levy can be reported through call center, text messaging, fax, e-mail, and directly to the secretariat. Furthermore, the President also calls upon local governments to implement this at the provincial and district levels.

89. One example of this commitment is the case of Indonesian Immigration Attache in Kuala Lumpur who allegedly accepted 1 billion IDR bribe from Malaysian companies for issuance of passports and visas. The Corruption Eradication Comission has declared him suspect in February 2017 and the investigation is currently under way.

Article 16-22

15. **Please describe the due process safeguards in situations of investigations, arrests, detentions and expulsions of migrant workers and members of their families for criminal offences and administrative infractions, including immigration-related matters. Please describe measures taken to ensure that the obligation contained in article 16(7) of the Convention on contact with consular or diplomatic authorities of the State of origin of the detained migrant worker or members of their families is given effect in law and in practice. Please include information on specific due process safeguards for unaccompanied children in migration related administrative procedures, including the right to be heard and the right to a guardian.**

90. Indonesia's 1945 Constitution stipulates that every person shall be entitled to fair legal recognition, certainty, protection and assurance, and equal treatment before the law. National Police has the authority to arrest a criminal suspect as laid out in Law No. 2 Year 2002.

91. All arrest, detention, and trial process is carried out in accordance with Law No. 8 Year 1981 on Indonesian Criminal Procedure. The Criminal Procedure specifies several principles of criminal proceedings which include presumption of innocence, prohibition of arbitrary arrest and detention, as well as equality before the law. These principles also apply to foreign citizen, including foreigners working in Indonesia.

92. In accordance with the Head of Indonesia National Police Regulation No. 12 of 2012, migrant workers who conduct crimes and are declared as suspect in Indonesia will be notified to his/her family/legal representative and his/her respective embassy, in order to acquire legal assistance and access to visit. This is also in line with the Mandatory Consular Notification (MCN) Agreement between Indonesia with several countries. In cases where legal assistance is not provided by the embassy, Indonesia National Police will attempt to find one.

93. With regards to investigation, arrest, and detention of foreign citizens (including foreign workers) who violate immigration regulations, arrest and detention will be carried out by Police with a warrant from Director General of Immigration. The Government is currently formulating a Standard Operating Procedure (SOP) for investigation, arrest, and detention for immigration cases.

16. Please indicate legislative and other measures undertaken by the State Party to ensure the right to liberty of migrant workers and their families in the context of migration administrative procedures, including entry, residence and expulsion. Please provide information on alternatives to detention for immigration-related matters existing in the State party, including statistical data. Please also indicate if the State party detains migrant workers and members of their families for immigration-related matters. If so, please provide detailed information on migration detention centres, conditions of detention for migrant workers and members of their families, and efforts to improve these conditions and indicate which authorities are responsible for the management of immigration detention facilities.

94. According to Law No. 6 Year 2011 on Immigration, immigration officers have the authority to detain foreigners in an Immigration Detention Facilities (IDF) if the person: does not possess a valid or expired residency permit, does not possess valid travel documents, conducted act that violates the applicable laws and regulations so that he/she is being subjected to immigration administrative measures, such as the revocation of residency permit, currently waiting for deportation or waiting for departure from Indonesian territory because he/she was denied entry.

95. In situation where for a certain reason, detainees are not able to be repatriated/deported after 10 (ten) years in IDF, they are allowed to live outside IDF with regular reporting to immigration officers.

96. There are approximately 340,000 foreign workers work in Indonesia since 2012, all of which works in formal sector as professional, advisors, managers, etc. Immigration cases related to foreign migrant workers in Indonesia are often resolved promptly, considering they usually have their employer to complete necessary documents. Most of the cases involving Immigration Detention Facilities and migrant children are in fact, related to other causes of migration such as asylum-seekers and refugees.

Please also include information on:

(a) Whether persons detained for immigration reasons are held in separate facilities or together with convicted persons or persons detained pending trial;

97. Persons violating immigration law will be detained in separate IDF consisted of: (a) Immigration Detention Room in immigration regional office; and (b) Immigration Detention House (IDH) spread in thirteen provinces across Indonesia, namely in Tanjung Pinang, Balikpapan, Denpasar, DKI Jakarta, Kupang, Makassar, Manado, Medan, Pekanbaru, Pontianak, Semarang, Surabaya, and Jayapura. In addition, there are community houses established in cooperation with IOM as alternatives of detention and until 2014, there are forty-two community housing facilities spread nationwide. Until October 2016, a total of 7711 people are being sheltered in IDF nationwide.

(b) Women detained for immigration reasons are held separately from men who are not family members or partners, and are supervised by female personnel;

98. In the IDH, men and women who are not family members are held in separate facilities. Furthermore, female officers are designated to supervise the detained women in the IDH.

(c) Specific alternatives to detention exist for unaccompanied children and families with children;

99. Families with children will be detained in one detention facility. Standard Operating Procedure on IDFs stipulated that pregnant women, sick persons, minors may be sheltered in accommodation facilities other than IDH. In this regard, the local Government works together with IOM to provide alternative detention facilities for unaccompanied children and families with children, which is community housing facilities which was mentioned in Para. 96.

100. The Government recognizes the special needs of unaccompanied/ minor refugees and asylum seekers as stipulated in Presidential Regulation No.125/2016 on the Handling

of Refugees. The provision of such facilities is carried out through close cooperation with international and non-governmental organizations — one example is special temporary shelter for unaccompanied/ minor refugees and asylum seekers in Makassar, organized by IOM.

(d) Unaccompanied children and families with children can be detained for immigration related matters, and if so, please provide detailed information on the facilities where they are detained and the conditions of such facilities, including child-protection measures in place and the authorities in charge of such facilities, as well as disaggregated data by sex, age, nationality and length of stay

101. Immigration Law No. 6 Year 2011 applies to all foreign citizen, including children and families with children.

102. Information contained on Para. 99 is hereby reiterated.

17. Please provide information on measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language they understand. Please provide information on measures taken to ensure that migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention, and that this decision can be reviewed on appeal. Please provide up-to-date information, including disaggregated statistical data, on migrant workers and their families who are undocumented or in an irregular situation and have been, or are in the process of being, expelled.

103. Information on Para. 90-93 is hereby reiterated.

104. On every process that involves foreign citizen, immigration authorities always coordinate with foreign embassy from which he/she is a citizen and provide interpreter. Furthermore, for foreign workers with no or little knowledge of Indonesian language currently undergoing a crime investigation by police — either as a witness or suspect — will be provided with interpreter. This is in accordance with Law No. 8 Year 1981 on Criminal Procedure and Head Indonesia National Police Regulation No. 12 Year 2012.

Article 23

18. Please provide detailed information on the roles of the State party's embassies and consulates in assisting and protecting migrant workers who are nationals of the State party working abroad, including those in an irregular situation, and particularly in the case of abuse, arrest, death penalty charges, detention, and expulsion. Please indicate whether legal assistance is provided whenever the rights recognized in the Convention are impaired, including detention and/or expulsion cases.

105. Law No. 37 Year 1999 on Foreign Relations stipulated that the Mission of the Republic of Indonesia has the obligation in providing protection and assistance for every Indonesian citizen abroad facing problem, including legal problem, taking into account of international customary law and in conformity with applicable law.

106. To ensure swift assistance is given to Indonesian citizen abroad facing problem, the Government of Indonesia continuously endeavoring to create MCN agreement with partner countries. It obliges both parties to give a consular notification as immediate as possible in case of arrest, detention, death, or other legal cases involving each other's citizens. Until 2011, Indonesian government has signed MCN with Australia and Brunei Darussalam.

107. In carrying out the protection mandate, Indonesian missions abroad could hire local lawyer to provide legal assistance and defend the interest of Indonesian citizen during the legal process. Furthermore, the lawyer is also responsible to give legal assistance and to represent the Indonesian citizen in negotiation process involving third party.

108. Please refer to Section III, answer for question 38(i) for data on legal assistance provided for Indonesian Migrant Workers abroad from 2012-2016.

Article 25 to 30

19. **Please indicate what legal and labour protection and enforcement mechanisms are in place to ensure that migrant workers, including migrant women, especially in the agricultural, construction, domestic, food, personal services, repair services and transport sectors, enjoy treatment not less favourable than that which applies to nationals in respect of remuneration and conditions of work. Please also include information on measures aimed at promoting the rights of migrant workers, who are nationals of the State party, abroad, including migrant domestic workers. Please provide information on equal access to those of nationals regarding health care and other social services for migrant workers and members of their families both in a regular and irregular situation, as well as education for children of migrant workers in a regular and irregular situation.**

109. Indonesian Government through its diplomatic missions abroad puts high priority on the protection of Indonesian migrant workers, regardless the status of bilateral agreement with receiving states.

110. Indonesian Government has signed several MoUs with partner countries regarding placement and protection of migrant workers, aiming at ensuring that Indonesian migrant workers are treated in a way no less favorable than nationals, especially in regards to minimum wage, health service, social security, holiday, paid leave, etc, in accordance with applicable labor laws. In cases where there is no domestic labor law or where it is deemed necessary to provide sufficient protection, a minimum standard will be laid out in the MoU before the placement of Indonesian workers could be carried out. Employment terms will further be specified in Employment Contract signed by employee and employer.

111. In cases where a country does not have MoU with Indonesia, for example Singapore, Indonesian Embassy in Singapore applies a regulation that oblige the legalization of the Employment Contract for Indonesian domestic workers by the consular officer at the Embassy to ensure their rights are fulfilled. The Embassy also set standard for minimum wage for hiring Indonesian domestic worker there. The standard of the minimum wage needs to be applied since the Government of Singapore does not a specific regulation regarding the minimum payment for domestic workers.

112. Other example, Indonesian mission in Hong Kong closely supervises the legality of every private employment agencies in Hong Kong and issues Business Accreditation Certification before those agencies are able to recruit Indonesian migrant workers. Furthermore, every employment contract for Indonesian migrant workers has to be examined and legalized by Indonesian Consulate General in Hong Kong before they start working. NAPPIMW is currently formulating a standard to the elements of employment contract.

113. According to the Head of NAPPIMW Regulations, a final pre-departure orientation is given to Indonesian migrant workers to consolidate knowledge and understanding regarding their rights and obligation as laid out in the employment contract.

114. The Government of Indonesia provides Manpower Social Security Schemes (BPJS Ketenagakerjaan) and National Health Insurance Scheme (BPJS Kesehatan) which are applicable for Indonesian nationals and foreigners who work in Indonesia for at least 6 (six) months. The regulation has been stipulated on the Law no. 40 Year 2004 concerning the National Social Security. Both schemes are applicable not only for the workers but also for the family members.

20. Please indicate whether national labour laws and regulations relating to remunerations and conditions of work (overtime, working hours, weekly rest, paid leave, social security, health, termination of the employment contract, minimum wage, etc.), are in full compliance with ILO Conventions No.100 concerning Equal Remuneration (1951) and ILO Convention NO.111 concerning Discrimination in respect of Employment and Occupation (1958) enjoyed by nationals apply on an equal basis to migrant workers, both in regular and irregular situations.

115. Indonesia has ratified ILO Convention No. 100 and No. 111 regarding concerning Equal Remuneration and Discrimination in Respect of Employment and Occupation through Law No. 80 Year 1957 and No. 21 Year 1999, respectively.

116. In general, labor issue is regulated in Indonesia by Law No. 13 Year 2013 on Manpower. Regulation for foreign workers is further laid out in Minister of Manpower Regulation No. 35 Year 2015 which amended the previous Minister of Manpower Regulation No. 16 Year 2015 on the Utilization of Foreign Workers.

117. Foreign workers who work in Indonesia is obliged to have insurance coverage with an insurance company operating in Indonesia. In addition, foreign workers whose stay exceeding 6 (six) months have to be enrolled in Indonesia's National Social Security System.

118. With regards to ILO Convention No. 100 and No. 111, the information contained in paragraph 72-75 is hereby reiterated.

21. Please provide information on the measures taken by the State party to ensure the right of children of migrant workers abroad, including children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality of origin be recognized in law and in practice. Please also provide information on the measures taken to ensure the birth registration of foreign migrant children in the State party.

119. The Government of Indonesia is State Party to Convention on the Rights of Child which it ratified through Presidential Decree No. 36 Year 1990.

120. Article 27 of Law No. 23 Year 2002 on Child Protection stipulated that the Government is responsible to provide every child with identity documents since birth, in the form of birth certificate. This includes children of migrant workers born out of wedlock and/or whose father is unknown. In this light, the Government has set a target for the issuance of birth certificate for children, that is, 75% in 2015, 77.5% in 2016 and progressing to 85% in 2019.

121. For children of Indonesian migrant workers born abroad, Indonesian mission will issue birth recognition certificate to the children of Indonesian migrant workers, based on the notification from the hospital in which the child was born and birth certificate from the country of destination. The mission will also then issue the passport for the children to validate their nationality.

122. Furthermore, The Government of Indonesia since 2012 has conducted Religious Marriage Certification Program in Malaysia and Saudi Arabia, in order to legally register marriage of Indonesian migrant workers conducted under religious law. This program will enable children of migrant workers to get a legal status, which at the same time makes it easier for Indonesian missions abroad to issue a birth certificate that in the future will be the basis to issue travel documents, school registration, etc. In 2012-2015, the Government registered 1268 couples.

123. With regards to children whom both parents are foreign workers born in Indonesia, Presidential Regulation No. 25 Year 2008 also stipulated that a birth notification could be issued by relevant officials where the child was born: head/doctor of hospital, pilot of Indonesian aircraft, captain of Indonesian vessel, or head of air/seaport.

22. Please provide information on the measures taken to ensure that children of migrant workers have full access to education, regardless of their migration status. Please also provide information on the measures taken by the State party to ensure, in law and practice, that all migrant workers and members of their families have adequate access to basic services, such as medical care, including urgent medical care.

124. As a party to Convention of the Rights of the Child, the Government of Indonesia is responsible for the education of the children of migrant workers. The Government has established 15 (fifteen) Indonesia School abroad to facilitate the education of Indonesian children there. Furthermore, the Government is also establishing Community Learning Centres (CLCs) for the children of Migrant Workers in Sabah and Sarawak. These schools use national curriculum to ensure the students will have the same standard and qualifications as students who study in Indonesia.

125. Since 2006, Indonesia has assigned 587 teachers in 233 educational institutions to reach approximately 26,248 Indonesian children in Sabah and Sarawak area of Malaysia. Educational institutions consist of formal school (Indonesian School) in Kota Kinabalu (1), Community Learning Centre in plantation (59), CLC non-plantation (26), and Humana Education Center. In addition, Indonesian government also organized school equivalency test for primary level (Paket A, 116 children), secondary level (Paket B, 22 children), and tertiary level (Paket C, 14 children).

126. To further expand the access to education, National Action Plan on Human Rights 2017 mandated the establishment of new CLCs and Sub CLCs in Sabah and Sarawak. Furthermore, Indonesia is currently encouraging the Government of Malaysia to allow the establishment of new CLCs in Malaysian Peninsula Area. At the same time, we are also striving to improve the realization of the rights to education for migrant workers' children through: strengthening coordination and cooperation in education service with Humana Education Center; increasing synergy with Education Authority of Sabah; facilitating stay permit application, capacity building, and monitoring evaluation for teaching staffs; distributing scholarship for outstanding students; as well as initiating the establishment of Indonesia-Tawau School.

Article 31 to 33

23. Please provide information on measures taken by the State party to ensure that upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please also provide information on the measures taken to facilitate the transfer of these private funds, particularly to reduce the cost of these transactions. Please additionally provide information on whether the State party has conducted any specific information and training programmes on the Convention for relevant public officials, such as law enforcement officials, embassy and consular staff, social workers, judges, prosecutors and government officials.

127. Migrant workers and members of their families have the right to transfer their earnings and saving upon termination of their stay in Indonesia according to the Law No. 24 Year 1999 on Foreign Exchange Traffic and Exchange Rate System. However, personal information such as the resource of the money is needed to be disclosed before transferring money from or to Indonesia in order to prevent money laundering.

128. In accordance to the Minister of Finance Regulation no. 28/PMK.04/2008 concerning Exemption of Import Duty on Moving Goods, Indonesian Migrant Workers who continually work outside Indonesia for at least 1 (one) year can enjoy the exemption of import duties on their personal effect and belongings. To receive that privilege, the migrant workers need to obtain Note of Migration Letter (Surat Keterangan Pindah) from the nearest Indonesian mission or representative office where the migrant workers are located. The same regulation also applies for foreign workers who work in Indonesia and already have the stay permit and working permit for the minimum period of 1 year.

129. Furthermore, migrant workers can also enjoy the exemptions of export duties in exporting their personal effect and belongings as it regulates by the Minister of Finance Regulation no.214/PMK.04/2008 on the Collection of Export Duty.

4. Part IV of the Convention

Article 37

24. Please provide information on pre-departure programmes for the State party's nationals considering emigration, including information on their rights and obligations in the State of employment. Please indicate which Government institution is responsible for providing such information and if any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in this process.

130. In accordance with Law No. 39 Year 2004 on the Placement and Protection of Indonesian migrant workers, every migrant worker shall be given a final pre-departure orientation which explains their rights and obligations, legal system and culture in the state of employment, and other necessary information, including remittance and custom/tax regulations. The orientation also includes personal training on the danger of narcotics and HIV/AIDS. This pre-departure orientation is carried out by Regional Offices of the National Authority for the Placement and Protection of Indonesian Migrant Workers.

131. Together with Indonesian Migrant Workers Union, Migrant Care, and IOM, Ministry of Women Empowerment and Child Protection conduct a knowledge training program specifically for prospective (female) migrant workers. The training provides knowledge, among others, on their rights and obligations as migrant workers, introducing local laws/customs in the country of destination, and information on working contract.

132. Several Indonesian missions abroad, namely Singapore, Hong Kong, South Korea, and Japan organize welcoming program regularly, in which the migrant workers are given information on how to handle crisis situation during their working period, including who to contact. Furthermore, The Government of Indonesia has also provided a 24-hours and toll free hotline (for domestic calls) to receive complaints and providing information related to migrant workers and their family rights.

Article 40 and 41

25. Please provide information on the measures taken to guarantee migrant workers and members of their families the right to form, and to form part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention as well as with parts I and II of ILO Convention No. 87 (1948) on Freedom of Association and Protection of the Right to Organize. Please also provide information on the measures taken by the State party to review its legislation and the effective implementation thereof to ensure for migrant workers and members of their families of the State party abroad:

(a) The right to participate in public affairs in the State party;

(b) The exercise of their voting rights in the State party; and

(c) The right to be elected to public office in the State party.

133. Freedom of assembly and association in Indonesia is regulated by Law No. 21 Year 2000 on Workers' Union. There is no regulation in Indonesia that prohibits foreign workers from forming workers' union.

134. Similar rights for Indonesian Migrant Workers in the country of work is regulated by national law. Indonesian government regularly engages Indonesian workers' union abroad, particularly in disseminating information related to the protection of Indonesian migrant workers.

135. With regards to voting rights, Indonesian migrant workers abroad can still exercise their right to vote, facilitated by Indonesian mission in their country of work in conformity with Law on General Election. The Law further stipulates that all Indonesian citizens above 17 (seventeen) years old have equal rights to vote and to be elected in public office.

Article 45

26. **Please provide information on the measures taken by the State party to ensure access by members of the families of migrant workers to educational institutions and services as well as vocational guidance and training institutions and services. Please also provide information on measures taken by the State party to facilitate the integration of children of migrant workers in the local school system, including teaching them the local language, as well as to facilitate the teaching of their mother tongue and culture.**

136. Family of foreign workers in Indonesia have the freedom to choose any educational services in conformity with Law No. 2 Year 1989 on National Education System. They are also free to choose a non-formal education system such as courses, skill training, as well as taking class in community learning centers.

137. Children transferring from foreign school, including children of foreign workers, are also eligible to attend school in Indonesia after completing their registration at Ministry of Education and Culture. The school will hold a standardization test to determine the children's educational level in Indonesia.

138. Bahasa Indonesia is mandatory for all school in Indonesia including international school to familiarize all students with Indonesian language and culture, hence, making it easier for them to be integrated in everyday life.

139. Furthermore, as State Party to the International Covenant on Economic, Social, and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Indonesia does not prohibit students to practice their own mother language and culture.

Article 46-48

27. **Please provide information on the legislation relating to import and export duties and taxes in respect of personal and household effects as well as necessary work-related equipment of migrant workers. Please also provide information on the policies in place to facilitate remittances. Please additionally provide information on the applicable legal framework in place to ensure the right of migrant workers to transfer their earnings and savings from the State of employment to the State of origin. Please also provide information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour programmes and other agreements concerning employment, protection, double taxation and social security.**

140. The Government of Indonesia is committed to ease migrant workers' access to remittance. One of the measure taken to accomplish such goal is by setting remuneration mechanism standard in every Indonesian workers' employment contract. The standard includes obligation of the employer to transfer monthly salary to the migrant workers' local bank account so that the migrant workers have the freedom to transfer their savings to the home country afterwards.

141. Furthermore, Law No. 3 Year 2011 on Fund Transfer stipulated that fund transfer shall only be performed by banks and authorized Remittance Service Providers (RSPs), preventing unauthorized services, often with unstandardized fee, by individuals. By October 2016, there are 109 RSPs registered in Indonesia Central Bank.

142. In areas where Indonesian Bank or physical RSPs are not present, a Digital Financial Services (DFS) scheme is available and regulated under the Bank Indonesia Regulation No. 16/8/PBI/2014. DFS scheme makes it possible for Indonesian Migrant Workers working in area with no branch of Indonesian bank to transfer their earnings to DFS provider to be forwarded to banks in Indonesia. Not only that, DFS is also available in remote areas in

Indonesia to ensure that the family of the migrant worker can collect the money sent by the migrant workers.

143. Customs and taxes applied to income and personal effects of migrant workers working in Indonesia is regulated by similar legislation that apply to Indonesian citizens, that is, Law No. 36 Year 2008 on Income Tax. The Law also stipulates that terms and condition to prevent double taxation of migrant workers' income and personal effect shall be further specified through bilateral agreement. So far, Indonesia has 60 (sixty) bilateral Agreements on Avoidance of Double Taxation.

144. In 2015, total remittance of Indonesian Migrant Workers Abroad reached USD 9,418 million while total remittance from Foreign Workers in Indonesia amounted USD 3,031 million.

Article 49

28. **Please provide information on measures taken to ensure that migrant workers who, in the State party, are allowed to freely choose their remunerated activity are not considered to be in an irregular situation, and that they retain their residence permit, if their remunerated activity ends before the expiration of their work permit or similar authorization. Please also provide information about measures taken to ensure that they are allowed to keep their residence permit at least for the period during which they may be entitled to unemployment benefits.**

145. Provisions on residency and work permit for foreign workers in Indonesia are contained in the Law No. 13 Year 2003 on Manpower, Law No. 6 Year 2011 on Immigration, Government Law No. 31 Year 2013 on the implementation of Law No. 6 Year 2011 on Immigration, Ministry of Law and Human Rights Regulation No. 27 Year 2014 on Technical Procedure on Granting, Extending, Denying, Cancelling, and Ending a Visitor Resident Permit, Limited Resident Permit, and Permanent Resident Permit and Exceptions from Obligation to Own a Resident Permit, and Ministry of Manpower Regulation No. 35 Year 2015 on the Amendment of Ministry of Manpower Regulation No. 16 Year 2015 on the Utilization of Foreign Workers.

146. In general, in order to employ foreign workers, the company shall first submit a Foreign Manpower Utilization Plan (FMPUP) to the Ministry of Manpower which contains information on the number and position allocated for foreign workers. The Ministry of Manpower then issued the Foreign Manpower Utilization Permit (FMUP), in accordance with the application submitted by the company. FMUP will serve as a basis to recruit foreign workers and to issue resident permit in Indonesia. Based on duration of stay, there are three main categories of PIMSC and FMUP: general FMUP (7-12 months, extendable), temporary FMUP (2-6 months, not extendable), and urgent and emergency FMUP (1 month, not extendable). Temporary resident permit will be issued by Directorate General of Immigration in accordance to the FMUP.

147. According to the immigration law, foreigner holding a Temporary (TRP) or Permanent Resident Permit (PRR) are obliged to have a Guarantor that warrants his/her presence in Indonesia, including to report every change in his/her civil status, immigration status, and address. Furthermore, Law on Manpower obliges a company to repatriate their foreign worker upon the termination of the working contract. Usually, a company of which a foreign worker resigned starts the application of Exit Permit Only (EPO) — permission to leave Indonesia and not to return — immediately after the foreign worker resigned. Once the EPO process is completed, the foreign worker shall leave Indonesia within 7 (seven) days and all their records/documents are revoked, including work permit and resident permit.

148. The law does not prohibit a foreign worker who are still possessing temporary or permanent resident permit to freely choose remunerated activities. In cases where foreign workers decided to move to another company or change occupation, the new company shall act as the Guarantor and process the sponsor diversion application to the Ministry of Manpower according to relevant regulations. EPO process from previous company shall be

completed first before the foreign worker can obtain a new working permit applied by new company.

Article 51 and 52

29. **Please indicate whether the State party's legislation is in accordance with the Convention, and particularly with its articles 51 and 52, in order for foreign migrant workers to remain in the State party upon termination of their contracts, regardless of the reason for such termination, in order to seek alternative employment, participate in public work schemes and retraining.**

149. Information contained in Para. 145-148 is hereby reiterated.

5. **Part V of the Conventions**

Article 59

30. **Please provide information on the measures taken by the State party to ensure that seasonal workers enjoy equal treatment as national workers, particularly in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standards.**

150. Provisions mentioned in Para. 145-148 apply to all foreign workers, including seasonal workers (who may work in fisheries industries or plantation) without discrimination whatsoever.

6. **Part VI of the Conventions**

Article 64

31. **Please provide information on the measures taken to address irregular migration of nationals of the State party, in particular women and unaccompanied children, including through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels as well as addressing the root causes of irregular migration. Please include information on how such measures have been mainstreamed in overall migration policies and programmes and whether there has been a reduction in the number of irregular migrants as a result of such measures.**

151. The Government of Indonesia is continuously endeavoring to find a comprehensive solution of irregular migration, both nationally and internationally. In national level, it is being done, among others, through efforts in strengthening cooperation between ministries and institution as well as law enforcement particularly in the supervision of migration chain. In this context, the Government of Indonesia in 2014 has established provincial level Taskforce on the Prevention of Non-Procedural Indonesian Migrant Workers. Currently there are 21 (twenty one) taskforce spread in main points of embarkation nationwide, which managed to prevent the departure of 1,584 prospective non-procedural Indonesian migrant workers in 2015 and 1,310 until November 2016.

152. One aspect that is considered to be a push factor of irregular migration is the cost of migration. In this regard, the Government through Directorate General of Immigration already waived the fee of issuing passport for Indonesian Migrant Workers to reduce the migration cost. Furthermore, the government of Indonesia also encourages that fee of migration should be borne by user. The placement of Indonesian Migrant Workers in Japan and Taiwan are among the best practices in this regard.

153. The Government of Indonesia also continues to improve and simplify the process of application through the establishment of Computerized System of Indonesia Migrant Workers (CSIMW) in 2013 and One Stop Integrated Service Centre (OSISC) for recruitment process since 2015. CSIMW integrates all related stakeholders in the process of placement of the Migrant Workers, including during their stay in destination countries and will become a basis for Identity Card of Indonesia Migrant Workers. The migrant workers

will only have to come to one OSISC office before departure to get their data recorded in CSIMW. Until 2017, two OSISC has been established in Nunukan and Indramayu, both are areas where most of the migrant workers originated. In 2017, the Government is preparing for the operational of eleven more OSISC in Batam, Tanjung Pinang, Sambas, Karawang, Sukabumi, Entikong (Sanggau), Subang, Cirebon, Central Lombok, East Lombok, and Sumbawa. The Government targeted fifty -two OSISC to be established nationwide in 2016-2019.

154. Multilateral efforts to address this issue is through Bali Process, a Regional Consultative Process co-chaired by Indonesia and Australia that serves as a forum for origin, transit, and destination countries of irregular migration to discuss a comprehensive and durable solution towards the issue. Bali Process is technical in nature and focused on capacity building, including cooperation with Jakarta Centre for Law Enforcement Cooperation (JCLEC), engaging field officials in law enforcement, justice, immigration, and foreign affairs.

Article 67

32. **Please provide information on the measures taken to assist returning migrant workers and members of their families in resettlement and reintegration into the economic and social life of the State party, including the Business Empowerment for Former Indonesian Labour Migrants Programme. Please provide information on measures taken by the State party to ensure the rights of migrant children and their protection from all forms of exploitation, particularly those unaccompanied and/or in an irregular situation, in or in transit through the State party, including the allocation of sufficient resources for the effective enforcement of labour laws. Please provide information on steps taken to protect children from hazardous work, including through the implementation of ILO Convention No. 182 concerning the Worst Forms of Labour, and the strengthening of the labour inspection system.**

155. The Government of Indonesia issued a Presidential Regulation No. 45 Year 2003 which mandated the creation of a Coordination Team on the Repatriation of Migrant Workers. Its member consists of relevant government institutions, namely: Coordinating Ministry for People's Welfare, Coordinating Ministry for Economic Affairs, Coordinating Ministry for Politic, Legal, and Security Affairs, Ministry of Manpower and Transmigration, Ministry of Home Affairs, National Authority for the Placement and Protection of Indonesia Migrant Workers, Ministry of Foreign Affairs, Ministry of Law and Human Rights, Ministry of Social Affairs, Ministry of Health, Ministry of Transportation, Ministry of Women Empowerment and Child Protection, Cabinet Secretary, National Armed Force, and National Police.

156. The main mandate of the team is to facilitate the return and repatriation of Indonesian Migrant Workers, including taking stock of returning migrant workers, facilitating insurance claim process, facilitating the return of sick and deceased workers, and providing transportation until their area of origin.

157. Moreover, in 2015, the Government of Indonesia has conducted a repatriation program for those in irregular situations (Overstay Indonesian Citizen and Undocumented Migrant Workers) and succeeded to repatriate 94.529 people throughout Middle East, Africa, Malaysia, Asia (non-Malaysia), America, Europe, and Pacific area.

158. With regards to resettlement and reintegration of post-placement Indonesian migrant workers, the Government of Indonesia has issued the Ministry of Home Affairs' Regulation No. 26 Year 2012 on empowerment of prospective and post-placement migrant workers. Empowerment program generally aims to encourage Indonesian migrant workers to become more productive and competitive to earn in Indonesia instead of working abroad.

159. In 2015, President Joko Widodo launched "Indonesia Memanggil/Indonesia is Calling" Program, a nationwide cooperation between government, financing provider, and business partners which aims to educate and empower returnee migrant workers to maximize their own potentials and surrounding resources, in order to become productive in Indonesia. Trainings are provided both for post-placement Indonesian Migrant Workers

who wants to start their own business (entrepreneurship training) and those who wants to work in production or service industry (technical training).

160. Considering every area has different economic potentials, the entrepreneurship training program is carried out by local government, known as "Kampung TKI" (literally means Indonesian Migrant Workers' Villages). Not only training, the Government also provides business opportunity and facilitates the issuance of business permits when necessary. From 2010 until 2016, 24,230 Indonesian migrant workers have benefitted from the empowerment program. In 2017, the Government targeted to conduct the training in 23 provinces in Indonesia for 5000 participants.

161. Another program is called Bina Keluarga TKI (meaning Indonesian Migrant Workers' Family Empowerment Program) — established through Ministry of Women Empowerment and Child Protection No. 20 Year 2010, focusing on:

(a) Economic empowerment: through facilitation of entrepreneurship, expanding family's access to information and promoting their business, and helping families' to build their own business;

(b) Building Family Resilience: through education on the importance of a harmonious family, building close communication between family members, maximizing the role of religious leaders;

(c) Child Protection: through the engagement of community in monitoring; protecting the child from abuse and exploitations including providing legal assistance for children victims of abuse. The program also provides education facilitation for migrant workers' children; until 2016 it has been carried out in 16 districts/cities and 2 provinces.

162. Until November 2016, the Family Empowerment Group has been established in 54 districts/cities in 10 provinces in Indonesia. In 2017, Government aims to establish 10 more groups in 6 provinces in Indonesia.

163. In addition, several Indonesian missions abroad such as Hong Kong and Japan as well as Indonesia Economic and Trade Office in Taiwan regularly conduct entrepreneurship seminar as part of Exit Program for Indonesian migrant workers. Family finance management, business planning, and funding information are among the materials given in the program.

164. The Government ratified ILO Convention No. 182 on the Worst Form of Child Labor through Law No. 1 Year 2000 and has established a National Action Committee on the Elimination of the Worst Form of Child Labor in 2001. This committee is responsible to formulate a National Action Plan as well as to facilitate the establishment and strengthening of Local Action Committee on the Elimination of the Worst Form of Child Labor. Until 2016, thirty-three provinces and 161 district in Indonesia have established Local Action Committees.

165. Measures taken to reduce the number of child labor includes: the 12 (twelve) years compulsory education program with assistance from the government in form of scholarship and cash conditional transfer for disadvantaged families; vocational training; strengthening the supervision function from the Ministry of Manpower; creating an indicator for child-friendly company (in cooperation with business association). Furthermore, The Minister of Manpower has targeted an "Indonesia Free from Child Labor" to 2022.

Article 68

53. Please provide information on the measures taken to intensify and allocate adequate financial and other resources to prevention campaigns aimed at countering misleading information relating to emigration and raising awareness among its nationals, including unaccompanied children, about the dangers of irregular migration. Please also provide information on cooperation efforts with countries of transit and destination, with a view to ensuring the safety of the State party's migrant workers abroad, including migrant children, whether accompanied or not, in transit through third States and upon arrival in the countries of destination.

166. The Government of Indonesia utilizes various channel to raise public awareness on safe migration and to counter misleading information on migration. Among them are monthly nation-wide radio broadcast through Indonesia National Radio, handbooks and guides on safe migration[7] and how to be successful Indonesian migrant workers, regular publication on the protection of Indonesian Citizens abroad for stakeholders outside Indonesia (Majalah Pelindo Ministry of Manpower also cooperate with national television to incorporate messages on migrant workers right through TV documentary, namely "Hongkong Rhapsody" and "Sunday Morning in Victoria Park".

167. The Government is utilizing the Information Technology development to improve its protection for Indonesian Migrant Workers. Through cooperation with national cellular providers, all Indonesian citizens will get a SMS Blast from Indonesian mission closest to their location. The message contains information on emergency number in that country and the address of Indonesian mission. Furthermore, the Ministry of Foreign Affairs in January 2017 lauched the "SafeTravel" application which contains various information on destination countries, address of surrounding Indonesian mission, online registration, and tips for traveling safely. The application also contains an emergency button that will connect with Ministry of Foreign Affairs Indonesian Mission emergency number and detect the user's location once pressed.

168. The Government also conducts a nation-wide Public Awareness Campaigns, especially in area where most of migrant workers originated, in order to educate people on the due process of working abroad. Ministry of Manpower since 2015 has conducted campaigns titled "Jangan Berangkat Sebelum Siap" (literal meaning: Do Not Go before You Are Ready") in 63 districts in Indonesia.

169. To raise the awareness of stakeholders abroad, the Government of Indonesia published magazine called "Pelindo" to disseminate information on the protection of Indonesian Citizen abroad as well as the usual problem facing them. In addition, the Government regularly joins exhibitions in partner countries to show the condition of Indonesian migrant workers abroad.

170. Since 2016, NAPFIMW in cooperation with various Universities in Indonesia conducts a pre-assignment training for university students who are doing community service (as a part of the curriculum) regarding safe migration. The students then will be tasked to disseminate the information for people residing in their place of community service.

54. Please provide information on measures taken to promote conditions that facilitate the resettlement and reintegration of migrant children who are nationals of the State party upon their return to the State party.

171. As has been previously mentioned, the Government of Indonesia has taken efforts to provide education for Indonesian migrant workers through Community Learning Centers and Indonesian Schools worldwide. These educational institutions use national curriculum and certification as well as subject on Bahasa Indonesia to ensure the students will have the same standard and qualifications as students who study in Indonesia upon their return.

[7] Accessible in printo and digital through NAPFIMW website.

172. Furthermore, as has been mentioned in Para. 137, the Ministry of Education and Culture also provide a Standardization of Foreign School Certificate for children of migrant workers who attended non-Indonesian school to determine the level of education taken by the children of migrant workers abroad and find the comparable level in Indonesia.

173. In accordance with Law No. 23 Year 2002 on Child Protection, The Government of Indonesia is obliged to provide special protection for children in certain condition, including unaccompanied migrant workers' children who are victims of abandonement, exploitation, trauma, and/or abuse. In this regard, the Government through Ministry of Social Affairs has established a Social Safe Houses For Children (SSHC) as a temporary shelter and custodian. The children will be given counseling, physical and mental guidance, and vocational education before being returned to their family and community in their area of origin in Indonesia. Until 2016, there are 18 (eitghteen) SSHC nationwide.

174. Furthermore, the Government is commited to protect and assist the repatriation of unaccompanied Indonesian migrant workers' children abroad. For example in March 2016, Directorate of the Protection of Indonesian Citizen Abroad and Legal Entities has repatriated Ibrahim bin Abdul whose mother was Indonesian migrant workers deceased in Saudi Arabia. The Government facilitated his repatriation from Saudi Arabia, accomodated him in shelter and SSHC along the way, until finally returned him to his family in West Java. Other recent example Siti Latifah, a 1-year old child who was repatriated by the Government after a request from her family following her mother's decease in Dubai.

35. Please provide the following information relating to trafficking of migrants:

(a) Measures taken, including through international, regional and bilateral cooperation with countries of origin, transit and destination, and corresponding human and financial resources allocated by the State party to prevent and (Act No. 21/2007) combat trafficking in persons, in particular women and children;

175. Indonesia is a party and committed to ensure full implementation of the United Nations Convention on Transnational Organized Crime as well as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. As has been mentioned as answer to Question No. 31, Indonesia is also one of the founder and chair of Bali Process on People Smuggling, Trafficking in Person and Related Transnational Crimes (Bali Process), the largest and oldest regional consultative process to tackle TIP between sending, transit, and receiving country. Consultation rounds in Bali Process has produced several policy guidelines related to TIP, such as: Bali Process on Criminalizing Trafficking in Person, Policy Guides on Identifying Victims of Trafficking, Policy Guides on Protecting Victims of Trafficking, as well as technical cooperation with JCLEC.

176. In ASEAN, cooperation in eradicating trafficking in person and people smuggling is being done through ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and ASEAN Regional Forum mechanism (ARF). Eradication of TIP is also mandated in the ASEAN Community Blueprint for Political and Security.

177. One of the important progress regarding TIP in ASEAN is the adoption of a regional instrument on TIP, that is, ASEAN Convention against Trafficking in Persons Especially Women and Children (ACTIP) which was signed in November 2015 in ASEAN Summit in Kuala Lumpur. Furthermore, ASEAN also adopted an ASEAN Plan of Action against Trafficking in Persons Especially Women and Children (APA). ACTIP used UN Protocol on TIP as the minimum threshold in the formulation process.

(b) Measures taken by the State party to adopt specific legislation and policies to combat trafficking in persons, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000 (Law No. 14/2009)

178. In national level, Trafficking in Person is regulated by Law No. 39 Year 1999 on Human Rights, Law No. 23 Year 2002 on Child Protection, Law No. 21 Year 2007 on the Eradication of Trafficking in Persons. Indonesia has also established a National Taskforce

on Trafficking in Person through Law No. 69 Year 2008, co-chaired by Coordinating Minister for People's Empowerment and Welfare with Minister for Women's Empowerment and Children Protection and has 19 (nineteen) members of relevant institutions, including law enforcement authorities. The main mandates of this taskforce are: coordinating TIP prevention and resolution efforts, monitoring the rehabilitation, return, and reintegration process of victims, monitoring legal process of the case, and carrying out report and evaluation function.

179. Furthermore, by the end of 2015, 191 TIP taskforce has been established in district level as the extension of national taskforce.

180. The President of Indonesia issued an instruction No. 6 Year 2006 on the reformation of the Placement and Protection of Migrant Workers, especially on the requisition of placement agency as preventive measure towards TIP. In addition, regular inspections in embarkation points and for PIMSC are regularly being conducted by Directorate of Security and Supervision of NAPPIMW (in cooperation with relevant ministries/institutions) to ensure that the process of recruitment and placement of migrant workers is being carried out in conformity with relevant laws and regulations.

(c) Measures taken to assist and protect victims of trafficking, including protecting the identity of the victims as well as the provision of physical, psychological and social recovery of victims;

181. The Government of Indonesia is also responsible for mitigating the impact of trafficking for the victim with social rehabilitation, reintegration, and return. In this light, the Ministry of Social Affairs created a Safe House and Trauma Center (SHTC) will provide initial protection and psychosocial recuperation for Migrant Workers who are victims of trafficking. By 2016 there are 20 (twenty) SHTCs spread in 18 (eighteen) provinces in Indonesia, all of which are either major sending or transit province in Indonesia.

182. Similar to SHTC, Indonesia also has Indonesia also has a Social Safe House for Women (SSHW) and 15 (fifteen) Social Safe Houses for Children (SSHC) for women and children who are victims of violence (including in trafficking cases), providing basic needs services, accompaniment service by professional social worker, psychosocial recuperation and counseling services, and advocacy and legal assistance by police, lawyers, and legal aid institute.

(d) Training programmes provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the State party on how to identify victims of trafficking; and

183. For trafficking cases of Indonesian migrant workers found outside Indonesian territory, the Indonesian mission abroad serves as first responder. As first responder, Indonesian mission is responsible to provide shelter as the safe house for victims of trafficking as well as legal assistance in form of in-house lawyer or watching brief in legal process to prevent criminalization of victims that often happen in country of work.

184. Information on Para. 48 is hereby reiterated.

185. At the national level, the Government in 2017 will conduct series of TIP Handling Trainings for law enforcers (police, judges, and attorneys) to improve their capacity in the legal process of TIP. The training emphasizes on the criminalization for the offenders as well as the fulfillment of victims's rights, including restitution.

186. Furthermore, the Government through Ministry of Women Empowerment and Child Protection in cooperation with IOM will conduct a review of the Standard Operation Procedure for Witness/Victims of TIP to assess the effectivity of such procedures, particularly for migrant workers in 2017.

187. To identify victims of trafficking, the Goverment also engages with community. In 2016, TIP Community Watch has been conducted in Indonesian Migrant Workers' pocket areas namely Indramayu, Boyolali, Cilacap, Sambas, and Kupang. This program aims to build sensitivity and awareness towards TIP potentials, particularly ones that uses Migrant

Workers' recruitment as a modus. Activities under this program involves people up to village level, including village officials, local CSOs, local leaders, religious leaders, local community leaders, educators, and general public. From each village/region with community watch, 2 anti-trafficking champion will be chosen as the envoy to further disseminate information regarding the danger of TIP.

(e) **Efforts to systematically compile disaggregated data on trafficking in persons, and on bringing perpetrators of trafficking in persons to justice, including the number of reported cases of trafficking in persons, investigations, prosecutions, and the sentences imposed on perpetrators.**

188. Information on Para. 37 is hereby reiterated.

Article 69

36. **Please provide information on any measures taken to ensure that migrant workers and members of their family in an irregular situation in the State party have the possibility to regularize their situation in accordance with the provisions of article 69 of the Convention. Please describe the actions taken by the State party, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts to promote the regularization of their situation.**

189. As an effort to improve the protection and assistance for Indonesian Citizen abroad, particularly migrant workers, the Goverment of Indonesia in 2015 has conducted a regularization program, resulting in the accelerated repatriation of 94.529 overstay Indonesian citizens and/or undocumented Indonesian Migrant Workers abroad.

Section II

190. The government of Indonesia would like to provide information regarding the protection of migrant workers and members of their family with respect to:

37.(a) **Bills or laws and their respective regulations**

191. Please refer to Annex I for list of relevant laws and regulations.

(b) **Institutions (and their mandates) or institutional reforms**

192. Information contained in Para. 32-34 is hereby reiterated.

(c) **Policies, programmes, and action plans covering migration and their scope and financing**

193. The Government has enacted several Action Plans relevant to the protection of migrant workers and members of their families. Please refer to Annex II for list of relevant Action Plans.

(d) **Recent ratification of human rights instrument and other relevant instruments**

194. Indonesia is a party to 8 (eight) out of 9 (nine) major UN Human Rights Instrument and has already ratified 8 ILO fundamental instruments. The Government is committed to implement the provisions laid out in the Convention, which also in line with the content of ILO Convention No. 97 on Migration for Employment Convention and No. 143 on Migrant Workers.

195. With regards to ILO Convention No. 189 on Domestic Workers, the Government is currently conducting a deeper study and review on the content of the Convention. The study takes into account cultural values that is still highly being uphold by Indonesian people which is the principle of kinship and familial.

(e) Recent comprehensive studies on the situation of migrant workers and members of their families

196. The Government, through the Centre for Data and Information of the Ministry of Manpower regularly conduct studies — independently or in cooperation with universities as well as non-governmental organization — on the situation of Indonesian workers, including migrant workers and members of their family. The result of these studies are publicly accessible and available through their website:

197. http://kemnaker.go.id/penelitian-info-naker/puslitbang/?N=1

198. http://pusdatin.kemnaker.go.id/catalog.php

199. Among the studies are conducted are: Statistic and Data on the Placement of Indonesian Migrant Workers (conducted annually since 2014), Productivity of Indonesian Migrant Workers, Indonesian Migrant Workers' Animus towards Domestic Sector Job in Saudi Arabia, Empowerment of Post-Placement Indonesian Migrant Workers, etc.

Section III

Data, official estimates, statistics and other information

38. Please provide, if available, updated disaggregated statistical data and qualitative information for the last three years on:

200. Period of data provided below are from 2012 until December 2016 unless otherwise stated.

(a) The volume and nature of migratory flows in and from the State party for the period starting with the entry into force of the Convention in the State party until present;

Table 1.a (1)
Placement of Indonesian Migrant Workers Abroad

	2012	*2013*	*2014*	*2015*	*2016*
Male	214 825	235 170	186 243	108 965	89 059
Female	279 784	276 998	249 629	166 771	145 392
Total	**494 609**	**512 168**	**429 872**	**275 736**	**234 451**

Table 1.a (2)
Return of Indonesian Migrant Workers Abroad

Year	*Total*
2012	393 720
2013	260 093
2014	201 779
2015	114 796
2016	80 223

Source: National Authority for the Placement and Protection of Indonesian Migrant Workers (NAPPIMW) (2017).

Table 1.a (3)
Foreign Workers in Indonesia, based Foreign Manpower Utilization Permit Issued by the Ministry of Manpower

	2012	*2013*	*2014*	*2015*	*2016*
China	16 731	14 371	16 328	17 515	21 271

	2012	2013	2014	2015	2016
Japan	12 803	11 081	10 838	12 653	12 490
South Korea	8 190	9 075	8 172	7 590	8 424
India	5 923	6 047	4 981	5 900	5 059
Malaysia	5 330	4 962	4 022	4 305	4 138
United States of America	4 644	2 197	2 658	3 731	2 812
Thailand	4 146	1 841	1 002	3 557	2 394
Australia	3 644	3 376	2 664	3 069	2 483
Philippines	3 588	2 601	2 670	3 126	3 428
United Kingdom	3 292	2 631	2 227	2 531	2 252
Singapore	1 039	1 814	1 835	1 245	1 748
Other Countries	3 097	8 961	11 365	3 803	7 684

Source: Directorate of the Utilization of Foreign Manpower, Ministry of Manpower (2017).

Table 1.a (4)
Cross-border movement across Indonesia (inwards and outwards) 2012-2016

	2012	2013	2014	2015	2016
Arrival					
Foreign Citizen	7 461 545	8 109 938	8 882 263	9 349 493	9 767 298
Indonesian Citizen	7 125 846	7 594 229	7 700 680	7 673 566	7 915 680
Departure					
Foreign Citizen	7 373 761	7 990 586	8 902 567	9 336 671	9 734 957
Indonesian Citizen	7 375 201	8 094 475	8 113 054	8 338 880	8 415 270

Source: Centre for Data and Information, Directorate General of Immigration, Ministry of Law and Human Rights (2017).

(b) Migrant workers in detention in the State party, and migrant workers, nationals of the State party, detained abroad in States of employment, and whether such detention is immigration-related;

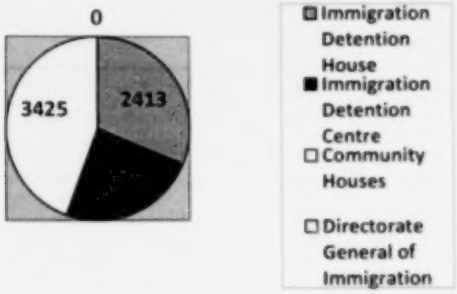
Table 1.b (1)
Immigration-related cases of Indonesian Migrant Workers Abroad

	Year				
Case	*2012*	*2013*	*2014*	*2015*	*2016*
Overstay	3 342	4 184	194	1 430	7 935
Border Violation	3 191	9 619	2 529	68	68
Residence Permit Violation	2	1	14	38	129
Other immigration-related cases	3	37	5 097	3 035	2 592
Total	**6 538**	**13 841**	**7 834**	**4 571**	**10 724**

Source: Directorate of the Protection of Indonesian Citizen and Legal Entities Abroad, Ministry of Foreign Affairs (2017).

Note: Detention provision of Indonesian Migrant Workers abroad varies depending on the destination countries' respective law.

Table 1.b (2)
Foreign citizen detained in Immigration Detention Facilities in Indonesia



(c) Migrant workers, nationals of the State party, executed abroad or facing death penalty charges;

Table 1.c
Indonesian Migrant Workers facing death penalty abroad

	Case per Year	*Released*	*Executed*	*Ongoing pending cases*
2012:	332	113	0	219
2013:	71	51	0	239
2014:	60	59	0	240
2015:	29	57	2	210
2016:	33	63	0	177

Source: Directorate of the Protection of Indonesian Citizen and Legal Entities Abroad (2017).

(d) Migrant workers and members of their families that have been expelled from the State party;

Table 1.d
Indonesian Migrant Workers expelled from other countries

	Tahun				
	2012	*2013*	*2014*	*2015*	*2016*
Total Deported	**3 390**	**7 229**	**7 179**	**2 457**	**2 302**

Source: Directorate of the Protection of Indonesian Citizen and Legal Entities Abroad, Ministry of Foreign Affairs (2017).

(e) The number of persons imprisoned and/or fined for unauthorized entry and/or exit;

201. Please refer to 38(b) for immigration-related cases of Indonesian Migrant Workers abroad

(f) The number of non-accompanied migrant children or migrant children separated from their parents in the State party;

202. Data is currently unavailable.

(g) Remittances received from nationals of the State party working abroad;

Table 1.g
Remittance received from Indonesian Migrant Workers

	Total (in Millions of USD)				
Region	*2012*	*2013*	*2014*	*2015*	*2016*
ASEAN	2 711	2 985	2 940	2 602	2 672
Asia other than ASEAN	1 473	1 576	1 615	2 109	1 978
Australia and Oceania	7	14	47	58	33.93
Middle East	2 378	2 179	2 870	3522	3 394.24
Africa	16	31	45	51.16	28
America	374	531	691	922.65	651.81
Europe	60	97	135	151	100.56
Total	**7 018**	**7 415**	**8 345**	**9 417**	**8 660**

Source: Indonesia Central Bank and National Authority for the Placement and Protection of Indonesian Migrant Workers (NAPPIMW) (2017).

(h) The reported cases of trafficking and smuggling of migrants, investigations, prosecutions, and the sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking); and

Table 1.h (1)
Data of TPPO cases (indicated and victim) 2012-2016

Case	*2012*	*2013*	*2014*	*2015*	*2016*
Finished	656	154	226	306	460
Ongoing case	90	34	100	235	142
Total	**746**	**188**	**326**	**541**	**602**

Table 1.h (2)
Data of TPPO cases (indicated and victim) based on Region

Case	*2012*	*2013*	*2014*	*2015*	*2016*
East and Southeast Asia	228	151	200	271	207
Middle East	344	23	111	232	230
Africa	17	11	13	21	126
Europe	2	1	2	3	17
Oceania		2		12	21
America	155			2	

Table 1.h (3)
Data of TPPO cases (indicated and victim) based on Job sector

Case	*2012*	*2013*	*2014*	*2015*	*2016*
Indonesia Migrant Workers	579	184	271	443	522
Non Migrant Workers	12	4	47	29	69
Seafarers	155		8	58	10

Table 1.h (4)
Data of TPPO cases (indicated and victim) based on gender

Case	*2012*	*2013*	*2014*	*2015*	*2016*
Female	573	177	281	403	504
Male	173	11	45	138	98

Source: 1.h (1)-(4): Directorate of the Protection of Indonesian Citizen and Legal Entities Abroad, Ministry of Foreign Affairs (2017).

(i) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.

Table 1.i
Data of high profile cases of Indonesian Migrant Workers abroad

	Year				
	2012	*2013*	*2014*	*2015*	*2016*
Total	**112**	**49**	**184**	**49**	**21**

Source: Directorate of the Protection of Indonesian Citizen and Legal Entities Abroad, Ministry of Foreign Affairs (2017)

Note: As mandated by law, The Government of Indonesia provides assistance and follow up every cases related to protection of Indonesian citizen abroad that are filed to or found by Indonesian mission abroad. Level of assistance given (consular assistance i.e issuance of travel document; social assistance i.e shelter; or legal assistance i.e lawyer) varies depending on the necessity and severity of case. For high profile cases (including, but not limited to Indonesian citizen facing death penalty, deceased because of criminal reason, and victim of TIP), the Government provides all necessary assistance including lawyer to ensure fair remedy for the victims.

203. The Government of Indonesia provided an in-house lawyer to help Indonesian citizens facing problem. Currently there are 12 (twelve) Indonesian missions equipped with in-house/retainer lawyer: Riyadh, Jeddah, Manama, Doha, Dili, Damascus, Amman, Kuala Lumpur, Penang, Johor Bahru, Kuching, Kota Kinabalu, Tawau.

39. Please provide any additional information on any important developments and measures to implement the Convention relating to the protection of the rights of migrant workers and members of their families that it considers a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications, and/or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

204. As has been stated in Para. 26, protection of Indonesian migrant workers is one of the priority of the Government of the Republic of Indonesia and the Government is constantly endeavoring to improve its capacity to protect its migrant workers abroad.

205. In this context, the Government is committed to strengthen its internal coordination and synergy, among all stakeholders through creation of a Memorandum of Understanding on the prevention and settlement of Trafficking in Person between 7 (seven) ministries that are directly involved in the migration chain: Ministry of Foreign Affairs, Ministry of Women Empowerment and Child Protection, Ministry of Law and Human Rights, Ministry of Social Affairs, National Police of the Republic of Indonesia, Attorney General Office, National Authority for the Placement and Protection of Indonesian Migrant Workers. The MoU aims to create a national referral mechanism in the protection of Indonesian citizen involved in TIP crime, including migrant workers, which is very vulnerable to be a victim. There will be 5 (five) areas of cooperation: victim identification, protection of the victim, prevention measures, information and data sharing, and capacity building.

206. Another progress that the Government would like to highlight is the establishment of "Migrant Workers/Migration-friendly Villages", where local government took several migration-friendly initiatives such as village-level data inputs, supervision and monitoring for Migrant Workers' children, and post-placement productivity trainings. Furthermore, local government is also more actively engages CSOs and religious organization in addressing migration issues, including in formulating relevant bylaws. Active role of local government has been shown, among others, in Wonosobo, Jember, Lembata, Kebumen, NTB, etc. Several bylaws that have been enacted by local government include The District Government of Kebumen bylaws No. 5/2014 on the Placement and Protection of Indonesian Migrant Workers; The Provincial Government of West Java bylaws No. 9/2013 on the Guidance for the Protection and Placement of West Java's foreign workers.

207. The Government is becoming more transparent and inclusive in discussing migration issues. During the preparation of this report, the Ministry of Foreign Affairs in cooperation with the Ministry of Law and Human Rights regularly conducted the taking inputs from local governments to various provinces in Indonesia to take inputs from all relevant stakeholders regarding the progress and challenges of the implementation of the Convention as well as recommendations to move forward. Placement and protection data is also publicly accessible through NAPPIMW's website. Furthermore, the Government through the Ministry of Foreign Affairs is also implementing a reward system for stakeholders who have contributed serious efforts in protecting Indonesian citizens abroad including migrant workers through Hassan Wirajuda Award since 2015. There are 7 (seven) categories of this award: Partners of Ministry of Foreign Affairs (in protecting Indonesian Citizens), Head of Indonesian Mission, Staff of Indonesian Mission, CSOs, Journalists/Media, and Local Government.

Technology Development

208. Accurate and integrated data on placement of migrant workers along the migration chain are crucial to improve the protection of migrant workers. In this light, the Government is working to integrate all the data of the migrant workers along the line of migration chain (from downstream to upstream, recruitment to return).

209. For the recruitment, the Government (through Ministry of Manpower) in 2013 has launched the Computerized System of Indonesia Migrant Workers (CSIMW) as a central database for all prospective Indonesian Migrant Workers. CSIMW will contain data of the migrant workers needed for the recruitment process including their Private Employment Agencies, Job Training Centers, Medical Facilities that conducted health examinations, Insurance, Certification Institutions, Financial Institutions, and Indonesian Mission abroad. The card will be used to ensure that the prospective Indonesian Migrant Workers has undergone all the procedure. In 2015, CSIMW was integrated with the National Immigration System managed by Directorate General of Immigration to track the departure and return of the migrant workers.

210. During the placement, e-protection developed by the Ministry of Foreign Affairs provides information on the protection of Indonesian citizen from all Indonesian mission across the world, such as type of problem faced and legal assistance given. With the MoU elaborated in Para. 200-202, it is projected that this database will be integrated with other relevant ministries to ensure a more comprehensive data on each case, including information on criminalization and follow up efforts once the migrant workers returned to Indonesia.

Strengthening Preventive Measures

211. Rather than being reactive in protecting Indonesian migrant workers, the Government of Indonesia aims to strengthen the preventive aspect of the protection. This is being done through, among others, simplifiying and reducing the cost of migration proccess, regular inspection to PIMSC to prevent non-procedural recruitment, as well as establishing Taskforce on the Prevention of Non-Procedural Indonesian Migrant Workers.

Way Forward

212. In the long run, the Government of Indonesia plans to further increase the number of Indonesian migrant workers working in non-domestic sector to eventually reach the target of "zero domestic workers", as an effort to overcome challenges of private law in several destination countries and enhance the protection of Indonesian migrant workers abroad. Zero domestic workers here means that there will be no multitasking domestic workers — all Indonesian migrant workers shall perform a skill-specific job. This is being carried out by various training programs to "upskill and upgrade" Indonesian migrant workers to meet the demand of international job market, such as healthcare personnel or tourism-related job. Upskilling efforts have been carried out in Lampung and Jogja and will be continued in 7 more provinces in 2017.

213. Finally, expanding the scale and impact of post-placement empowerment program is crucial to provide job alternatives other than working abroad for Indonesian workforce. President Joko Widodo's administration has set a target to create 10 (ten) million jobs domestically until 2019.

214. With regards to declaration under article 76 and 77 of the Convention, the Government of Indonesia is of the view that:

(a) Amicable solution that is reached through negotiations is the best way to resolve dispute between states. Specifically, since Indonesia has 13 (thirteen) bilateral agreements related to the placement and protection of Indonesian Migrant Workers with several countries, any dispute should be settled in accordance with the provisions of the said agreements.

(b) The Government of Indonesia respects the law of the destination country in resolving problems relating to Indonesian migrant workers. Conversely, the Government of Indonesia also expects sending countries to respect our national laws and regulations regarding migrant workers. Furthermore, our NHRIs and relevant agencies such as the MoM and NAPPIMW has provided both migrant workers with channel for labor-related issues.

(c) Disputes involving migrant workers and employer shall be settled in accordance with the provisions stipulated in the contract.

40. Please submit an updated core document in accordance with the requirement of the common core documents in the harmonized guidelines on reporting (HRI/CORE/IDN/2010). In accordance with General Assembly resolution 68/268 paragraph 16, the common core document should not exceed 42,400 words.

41. The Committee notes that it may take up all aspects of the rights of migrant workers and members of their families in the Convention during the dialogue with the State party.